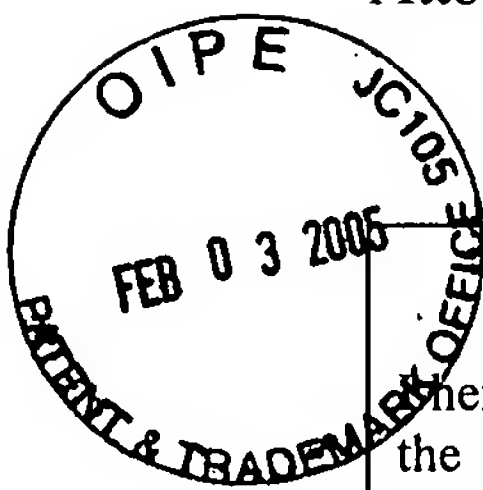


US Pat. No. 6,605,599 (application Serial No. 09/084,542)  
Attorney Docket No: LD125B

6,605,599.

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EG



**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, ATTN: Certificate of Correction Branch.

Anastasia P. Winslow  
Type or print name

*Anastasia P. Winslow*  
Signature

February 1, 2005  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF  
*Vite et al.*

Art Unit: 1624

Examiner: B. Kifle

APPLICATION NO: 09/084,542  
(now US Pat. 6,605,599)

FILED: May 26, 1998

FOR: Epothilone Derivatives

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTN: Certificate of Correction Branch

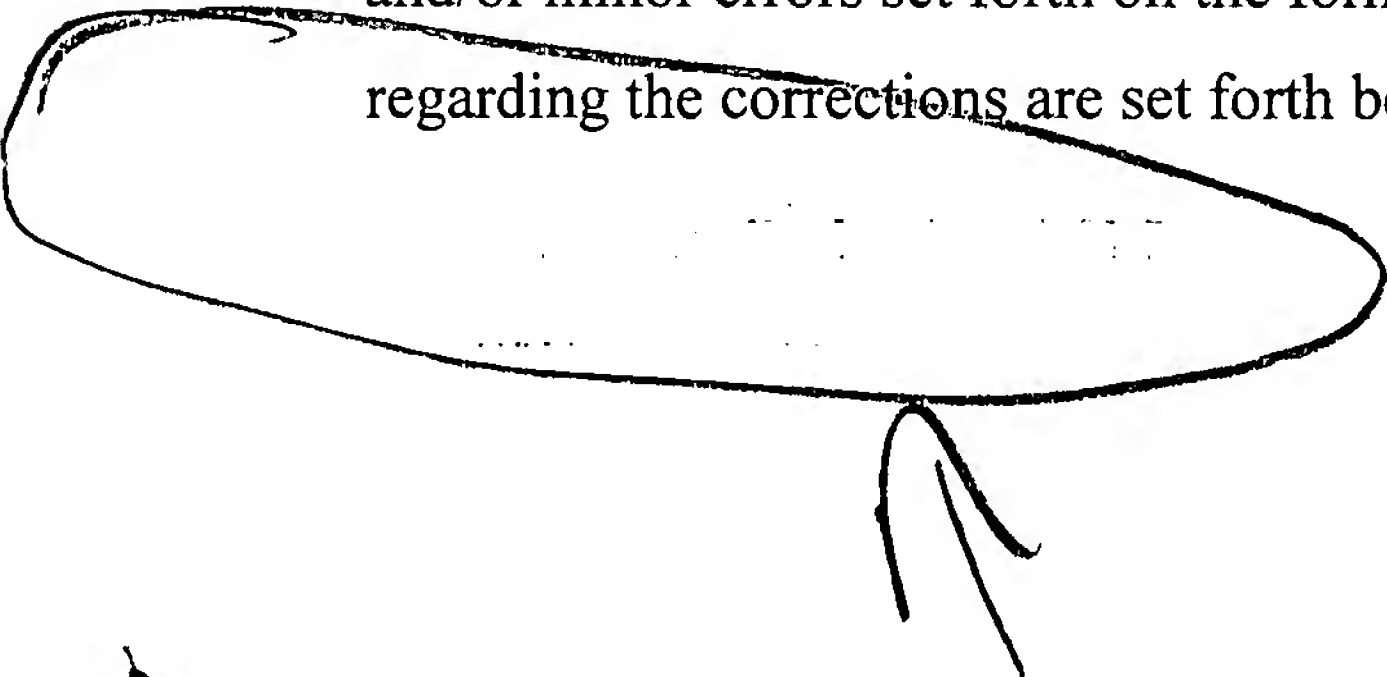
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**Certificate**  
**FEB 08 2005**  
**of Correction**

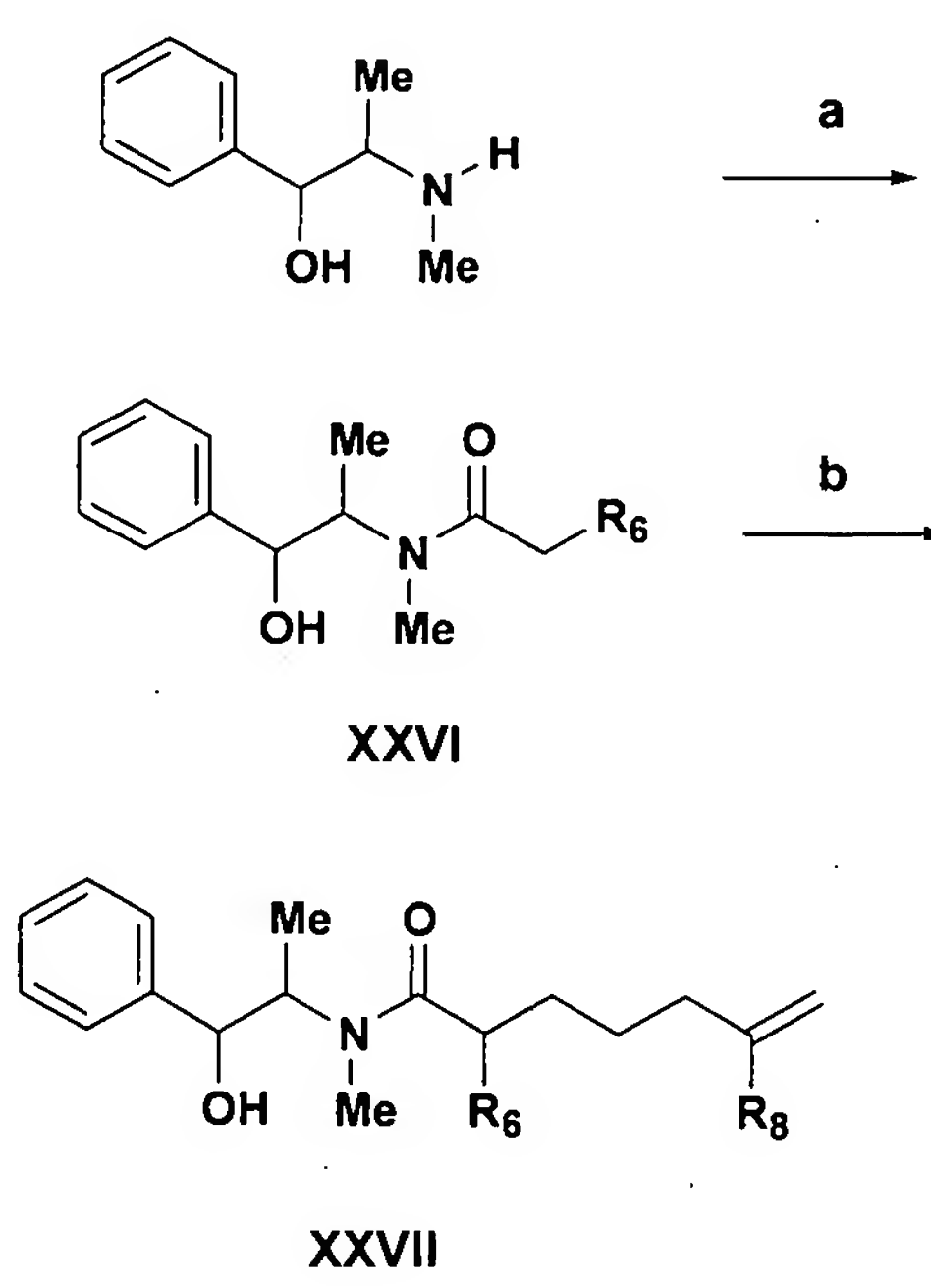
**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.322 & 1.323**

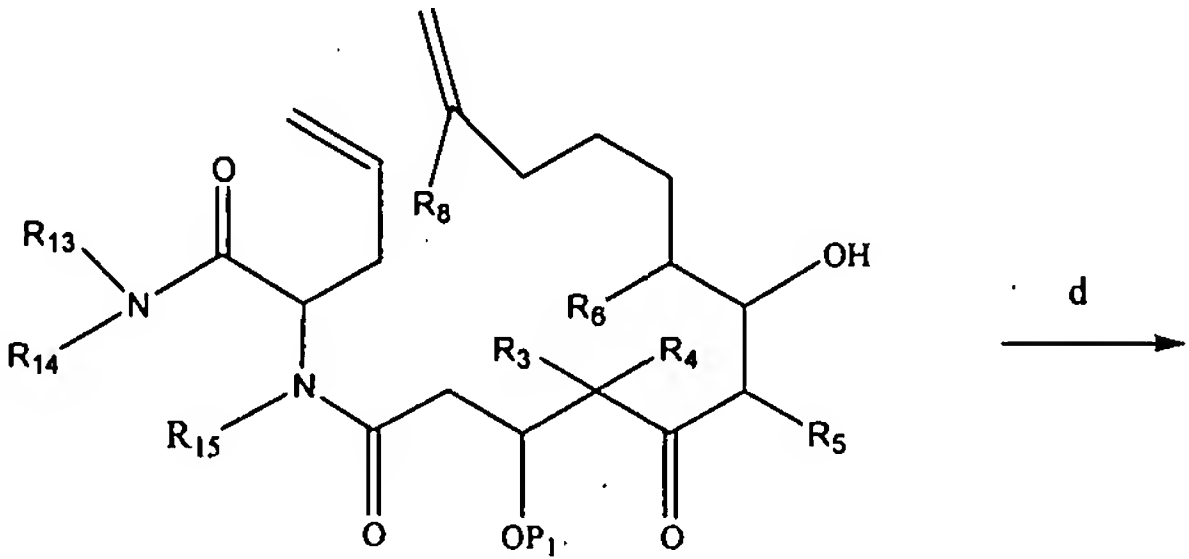
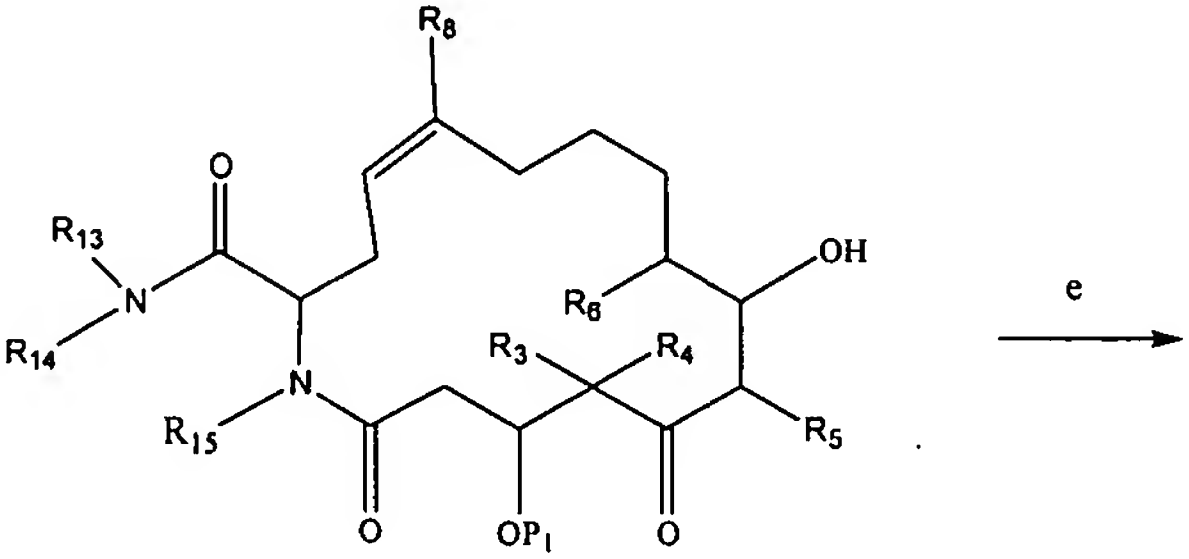
Sir/Madam:

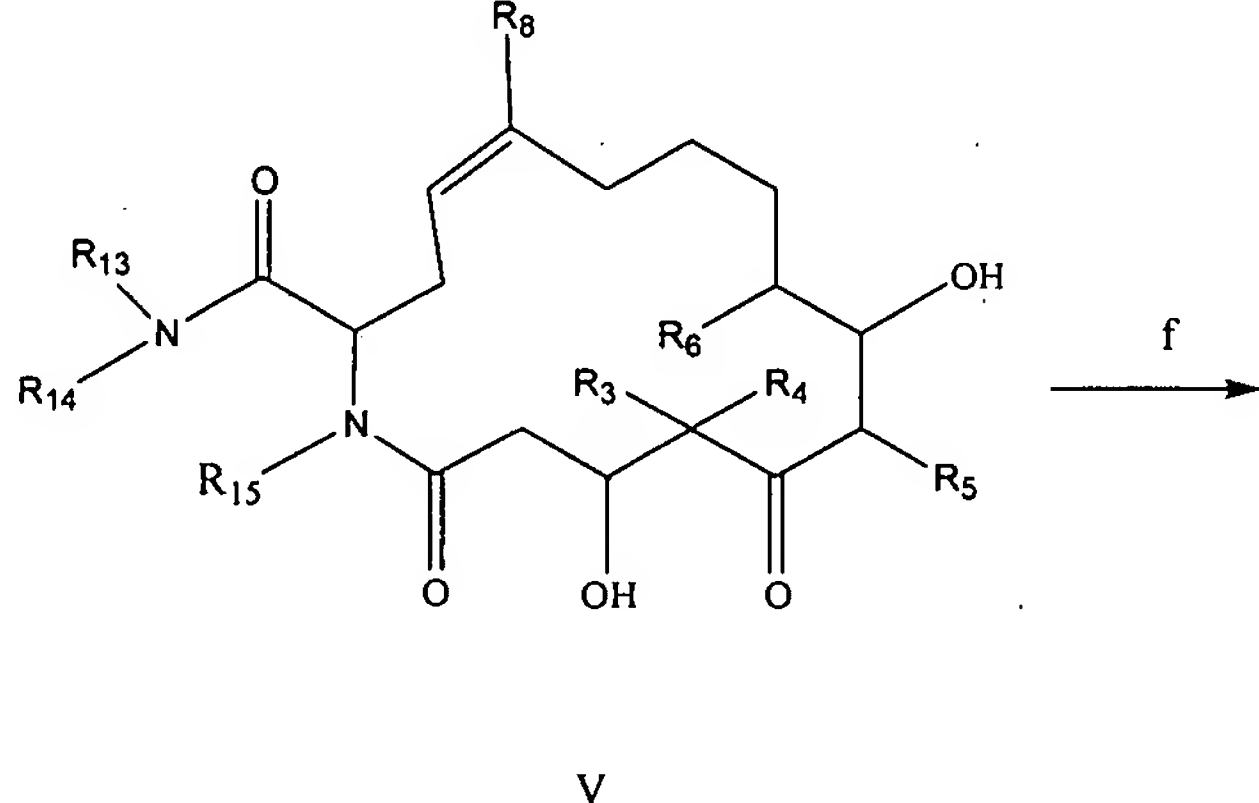
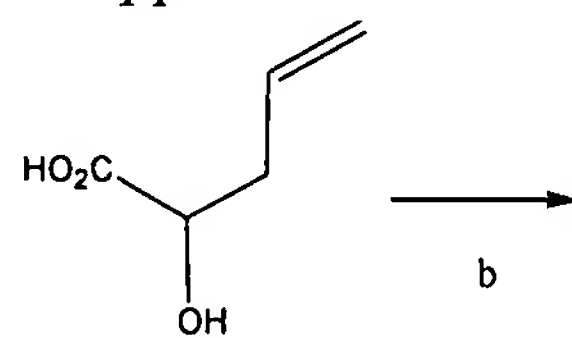
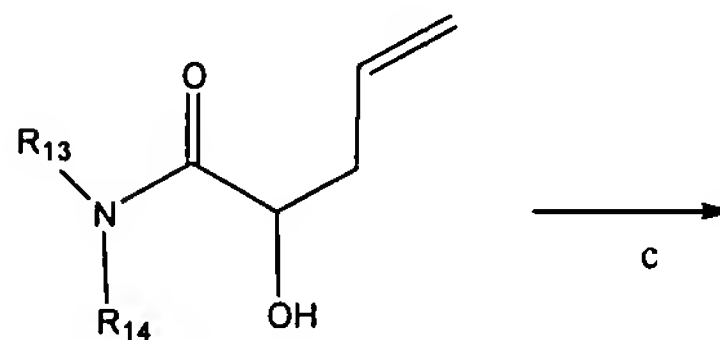
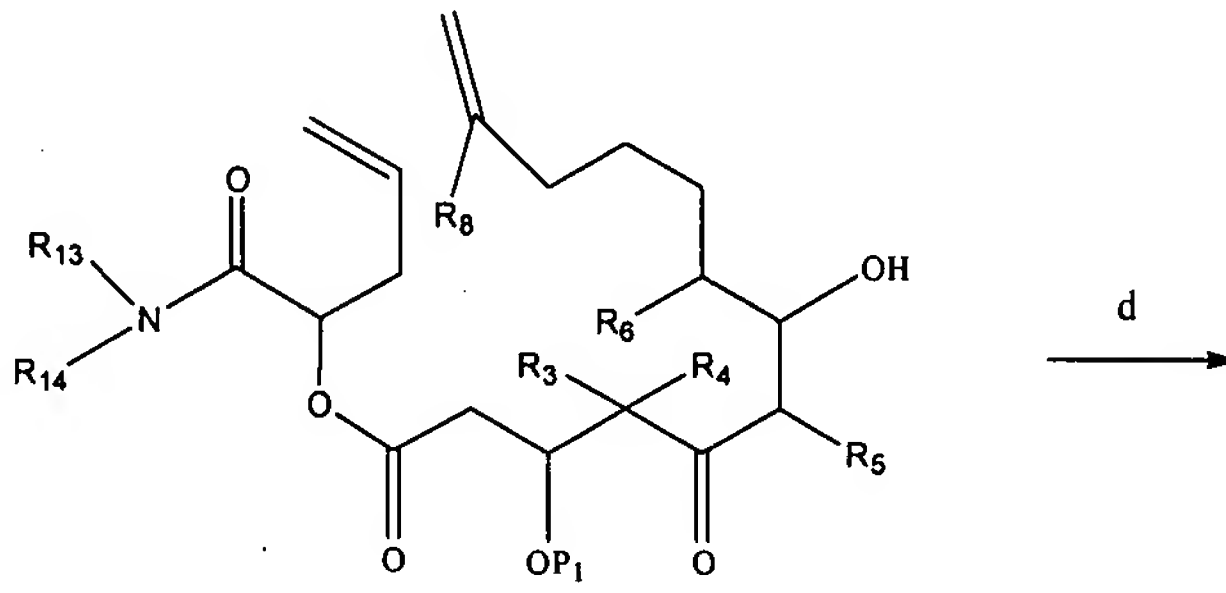
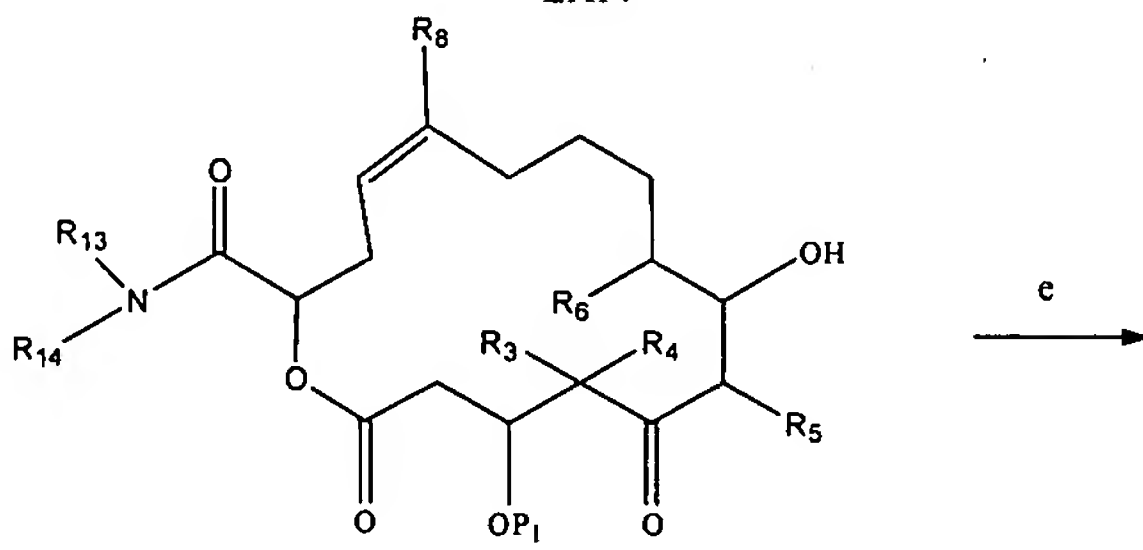
The above patent application Serial No. 09/084,542 issued as US Pat. No. 6,605,599 on August 12, 2003. Applicants hereby request a certificate of correction for the clerical, typographical and/or minor errors set forth on the form PTO/SB/44 attached hereto as Appendix A. Remarks regarding the corrections are set forth below at pages 2-7.

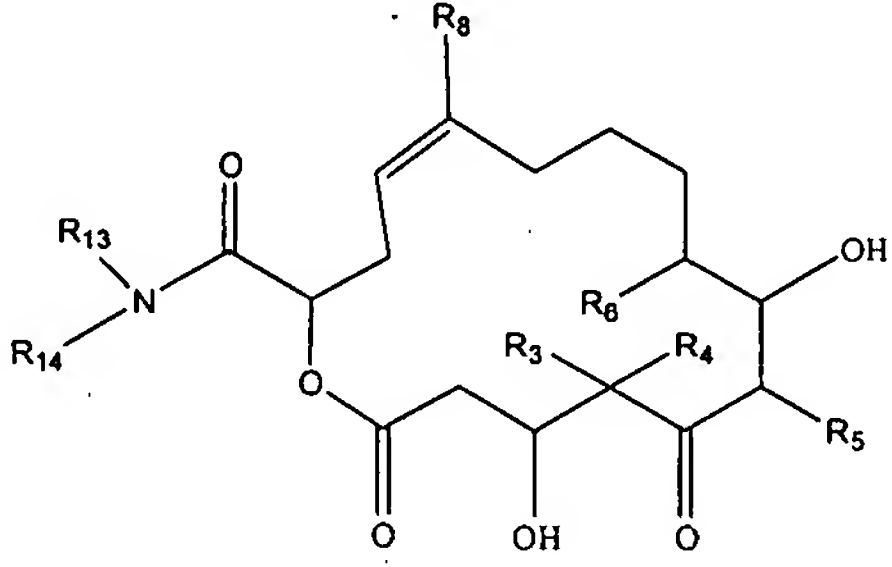
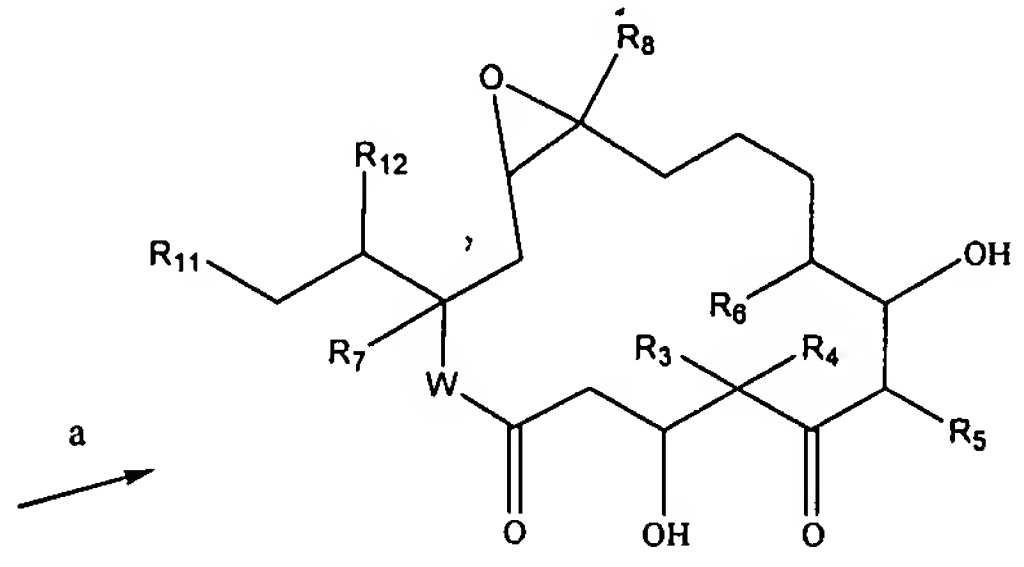
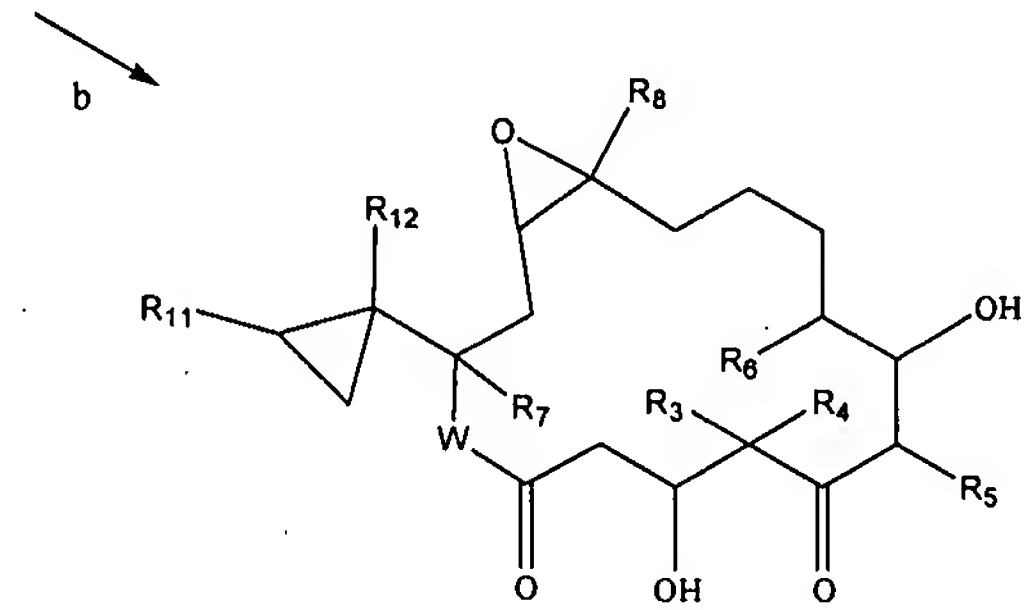


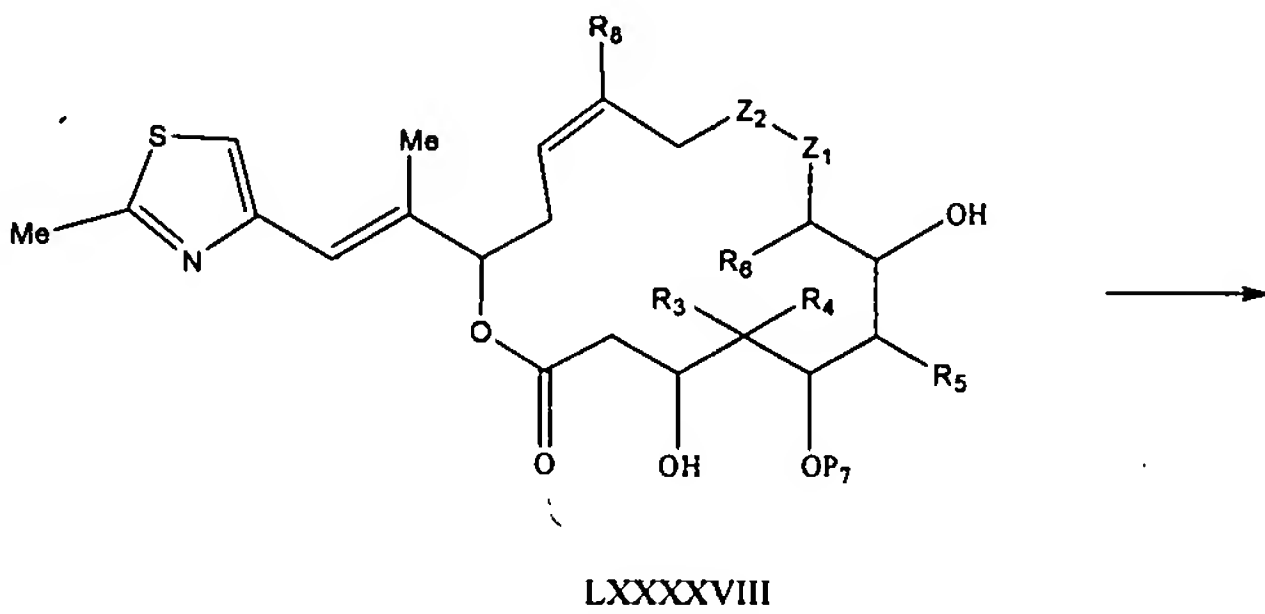
14 FEB 2005

	<p>selections shown (e.g., the epoxide and ethylene groups) are selections for the group Q as can be seen, e.g., at col. 1, lines 50-60.</p>
<p>Col. 10, lines 1-20, the formulae designated pseudoephedrine, XXVI and XXVII should appear as follows:</p> <div style="text-align: center;">  <p>XXVI</p> <p>XXVII</p> </div>	<p>Applicants' error. The original specification (page 14, line 22) as well as the issued patent (col. 10, line 41) refer to pseudoephedrine in Scheme 3. However, the formula at the top of column 10 does not show the correct structure for pseudoephedrine, <i>i.e.</i>, the hydroxy and methyl substituents are transposed. This is an obvious error, readily apparent to one skilled in the field, as pseudoephedrine has an accepted formula, known in the field. Thus, correction of the formula is not new matter but inclusion of an art recognized definition. See MPEP 2163.07 (inclusion of art-recognized definitions are not new matter.) Additionally, pseudoephedrine is described in the method of Meyers A., et al., <i>J. Am Chem. Soc.</i> 1994, 116, at 9361-62, which is referenced at col. 10, lines 46-47, as the method followed in this Scheme 3. The formulae XXVI and XXVII are corrected accordingly and also to replace the hydrogen atom (connected to the nitrogen atom) with a methyl group. One skilled in the field would understand that the methyl group of pseudoephedrine remains attached to the molecule and in steps a, b, is not replaced with a hydrogen atom. Support for this correction is also found at col. 10, lines 46-47, and the reference to Meyers A., et al., <i>J. Am Chem. Soc.</i> 1994, 116, at 9361-62.</p>
<p>Col. 11, line 44, the text "XXI" should appear — XXXI —.</p>	<p>USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 15, line 20) with the printed patent (Appendix C, col. 11, line 44).</p>
<p>Col. 11, line 51, the text "XXII" should appear — XXXII —.</p>	<p>USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 15, line 25) with the printed patent (Appendix C, col. 11, line 51).</p>
<p>Col. 11, line 55, the text "XXIII" should appear — XXXIII —.</p>	<p>USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 16, line 2) with the printed patent (Appendix C, col. 11, line 55).</p>

Col. 12, line 64, the text "XXXVI" should appear — XXXVII —.	USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 16, line 16) with the printed patent (Appendix C, col. 12, line 64).
Col. 13, line 1, the text "XXXVIII" should appear — XXXVII —.	USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 16, line 20) with the printed patent (Appendix C, col. 13, line 1).
Col. 13, line 15, the text "XXX" should read —XXXX —.	USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 17, lines 6-8) with the printed patent (Appendix C, col. 13, line 15).
Col. 18, line 47, cancel the text —or oxygen—.	Applicants' error. The original specification (page 21, line 6) as well as the issued patent read that "W is oxygen or NR <sub>15</sub> <i>or oxygen</i> ..." This is an obvious clerical error with the second reference to "or oxygen" being redundant.
Col. 19, lines 25-55, the formulae LX, LXI, and V should appear as follows:  <div style="text-align: center;">  <p>LX</p> </div> <div style="text-align: center;">  <p>LXI</p> </div>	USPTO mistake. Compare original specification (Appendix B, page 22, lines 1-5) with the printed patent (Appendix C, col. 19, lines 45-55). In the printed patent, the variables R <sub>8</sub> in the formulae were superimposed with the reference numerals LX and LXI such that it appears the numerals LX, etc., are included as part of the formulae. Here, as in the original specification (page 22), the formula appear separate from the reference numerals.

 <p style="text-align: center;">V</p>	
<p>Col. 20, lines 30-65, the formulae LXIII, LXIV, LXV and V should appear:</p> <div style="text-align: center;">  <p>LXII</p> </div> <div style="text-align: center;">  <p>LXIII</p> </div> <div style="text-align: center;">  <p>LXIV</p> </div> <div style="text-align: center;">  <p>LXV</p> </div>	<p>USPTO mistake. Compare original spec. (Appendix B, page 23, lines 1-5) with printed patent (Appendix C, col. 20, lines 30-65). In the printed patent, the variables R<sub>8</sub> and bonds are superimposed with reference numerals LXIII, LXIV, and LXV, such that it appears the reference numerals are part of subsequent formulae (<i>e.g.</i>, it appears LXII is included as part of formula LXIII, that LXIII is included as part of formula LXIV, and so forth.) Here, as in the original specification, the reference numerals and formulae are separate.</p>

 <p style="text-align: center;">V</p>	
<p>Col. 21, line 45 and col. 22, lines 20-45, the following formula should be canceled from col. 22, lines 20-45, and inserted at col. 21, line 45, under the heading “Scheme 13” and following the compound of formula V:</p>  <p style="text-align: center;">V</p>  <p style="text-align: center;">V</p>	<p>USPTO mistake. The two formulae V in Scheme 13 are shown in column 22, in the middle of, and interrupting the flow of, Scheme 14. These formulae should <i>not</i> appear under the heading “Scheme 14” in column 22, but instead should appear in column 21, under the heading “Scheme 13”. See original spec. at page 24, line 1, to page 25, line 5.</p>
<p>Col. 21, lines 54-55, “Scheme 4” should appear — Scheme 13 —.</p>	<p>Applicants’ error. The reference to “Scheme 4” appears in the original specification (page 24, line 11); however, it is clear from the text that applicants intended to refer back to scheme of the discussion, which is Scheme 13, not Scheme 4.</p>
<p>Col. 25, line 52, the text “LXIX” should appear — LXXIX —.</p>	<p>USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 27, line 12) with the printed patent (Appendix C, col. 25, line 52).</p>

<p>Col. 26, line 57, and Col. 27, line 6, “Y is H,H” should appear — X is H,H —.</p>	<p>Applicants’ error. These two references to “Y is H,H” appear in the original specification (page 28, lines 4 and 16); however, it is clear from the formulae in Scheme 18, as compared with the general formula V (e.g., col. 1, lines 40-50) that this is a typographical error as the variable Y is O in Scheme 18, not H,H, and X is H,H.</p>
<p>Col. 26, line 59, the text “LXIX” should appear — LXXIX —.</p>	<p>USPTO mistake. This is apparent in comparing the original specification (Appendix B, page 27, line 12) with the printed patent (Appendix C, col. 25, line 52).</p>
<p>Col. 27, line 7, insert the text — <u>Scheme 19</u> —.</p>	<p>USPTO mistake. Compare patent at col. 27, lines 5-10, with the original specification at page 29, line 1. The header “Scheme 19” appears in the original specification but is missing from the issued patent.</p>
<p>Col. 27, lines 55-67, the formula LXXXXVIII should appear:</p> <div data-bbox="242 1388 1087 1802">  <p style="text-align: center;">LXXXXVIII</p> </div>	<p>Applicants’ error. The formula LXXXXVII in the original specification (page 29) and issued patent (col. 27, line 55-67) show the group OP<sub>8</sub> attached to the right-hand side of the ring; however, the text (<i>see spec.</i>, page 30, lines 6-12, and issued patent, col. 29, lines 3-10) makes clear that the protecting group P<sub>6</sub> at this location is removed in compound LXXXXVIII, and replaced with a hydrogen atom. The protecting group P<sub>8</sub> is then attached in compound LXXXXIX. Accordingly, this is an obvious clerical error.</p>
<p>Col. 28, line 57, and col. 29, line 22, “W and Y” should appear — W, X and Y —.</p>	<p>Applicants’ error. The text at page 29, line 4, and page 30, line 21 states “W and Y” are oxygen, but the formulae in Scheme 19 in the original specification (page 29) show “W, <u>X</u> and Y” are each oxygen (e.g., when compared with the general formula V appearing, for example, at col. 1, lines 40-52). Thus, this is an omitted reference that is obvious from the formulae in the corresponding Scheme.</p>
<p>Col. 28, line 61, “LXXXV” should appear — LXXXXV —; Col. 28, line 63, “LXXXVI” should appear — LXXXXVI —; Col. 28, line 64, “LXXXV” should appear — LXXXXV —; Col. 28, line 66, “LXXXVII” should appear — LXXXXVII —; and Col. 28, line 67, “LXXXVI”</p>	<p>These are applicants’ mistakes as the references to LXXXV, LXXXVI and LXXXVII in the text at Col. 28, lines 61-67 appear in the original specification (Appendix B, page 29, line 6 through page 30, line 13); however, the formulae in Scheme 19 show roman numerals</p>



should appear — LXXXXVI —;	LXXXXV, LXXXXVI and LXXXXVII (col. 27, lines 31, 43 and 55), and the numerals in the text and scheme should correspond. Accordingly, this is an obvious typographical error and correction is sought so that the numerals in the scheme correspond with those in the text.
Col. 31, line 48, the text “formula V” should appear — formula CV —.	Applicants’ mistake – the original specification refers to “the compound of formula V” at page 33, line 5 (App. B); however, the surrounding text and formulae of Scheme 22 clearly indicate that applicants intended to refer to a compound of formula CV.
Col. 37, line 4, the text “compound M” should appear — compound N —.	Applicants’ mistake – the original specification refers to “a solution of compound M” at page 42, line 14 (Step O); however, the surrounding text clearly reflects applicants had intended to refer to compound N. Example 1 proceeds in a step-by-step fashion, with compounds from previous steps being carried over into subsequent steps, and the compounds are identified in alphabetical order. In step O, therefore, the compound being used should be compound N, from the previous step, not compound M.
Col. 47, line 30 (claim 1), the reference number “V” should appear at line 40, centered under the generic formula.	USPTO mistake. This mistake is apparent in comparing amendments filed during prosecution ( <i>i.e.</i> , on April 1, 2003 and October 29, 2001) with the printed patent.
Col. 56, line 40 (claim 62), the reference number “V” should appear at line 40, centered under the generic formula.	USPTO mistake. This is apparent in comparing amendments filed during prosecution ( <i>i.e.</i> , on April 1, 2003 and October 29, 2001) with the printed patent.

FEES

On account of the corrections Applicants request pursuant to 37 CFR § 1.323, the Commissioner is authorized to charge the fee due under 37 CFR § 1.20(a) to Deposit Account No. 19-3880. Additionally, the Commissioner is authorized to charge any additional fee that may be

US Pat. No. 6,605,599 (application Serial No. 09/084,542)  
Attorney Docket No: **LD125B**

required for this request to the aforementioned Deposit Account. The USPTO is requested to kindly contact the undersigned if deemed appropriate to expedite this request.

Respectfully submitted,



Bristol-Myers Squibb Company  
Anastasia P. Winslow  
Attorney for Applicants  
Reg. No. 40,875

Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-6996

Date: February 1, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,605,599 B1  
DATED : August 12, 2003  
INVENTOR(S) : Gregory D. Vite et al.

Page 1 of 5

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1,

Line 6, the text "which claims" should appear -- and claims --.

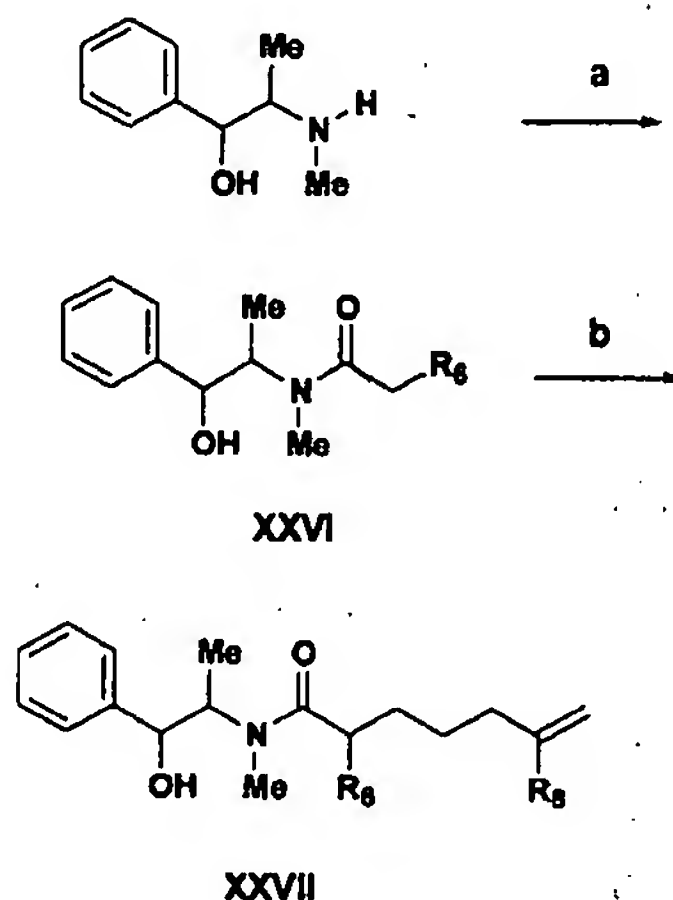
Line 42, the reference numeral "V" should appear in the center of the column following the chemical formula at col. 1, lines 42-50.

Column 6,

Line 59, insert the text: —Q is —.

Column 10,

Lines 1-20, the formulae designated pseudoephedrine, XXVI and XXVII should appear as follows:



Column 11,

Line 44, the text "XXI" should appear -- XXXI --.

Line 51, the text "XXII" should appear -- XXXII --.

Line 55, the text "XXIII" should appear -- XXXIII --.

Column 12,

Line 64, the text "XXXVI" should appear -- XXXVII --.

Column 13,

Line 1, the text "XXXVIII" should appear -- XXXVII --.

Line 15, the text "XXX" should appear -- XXXX --.

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

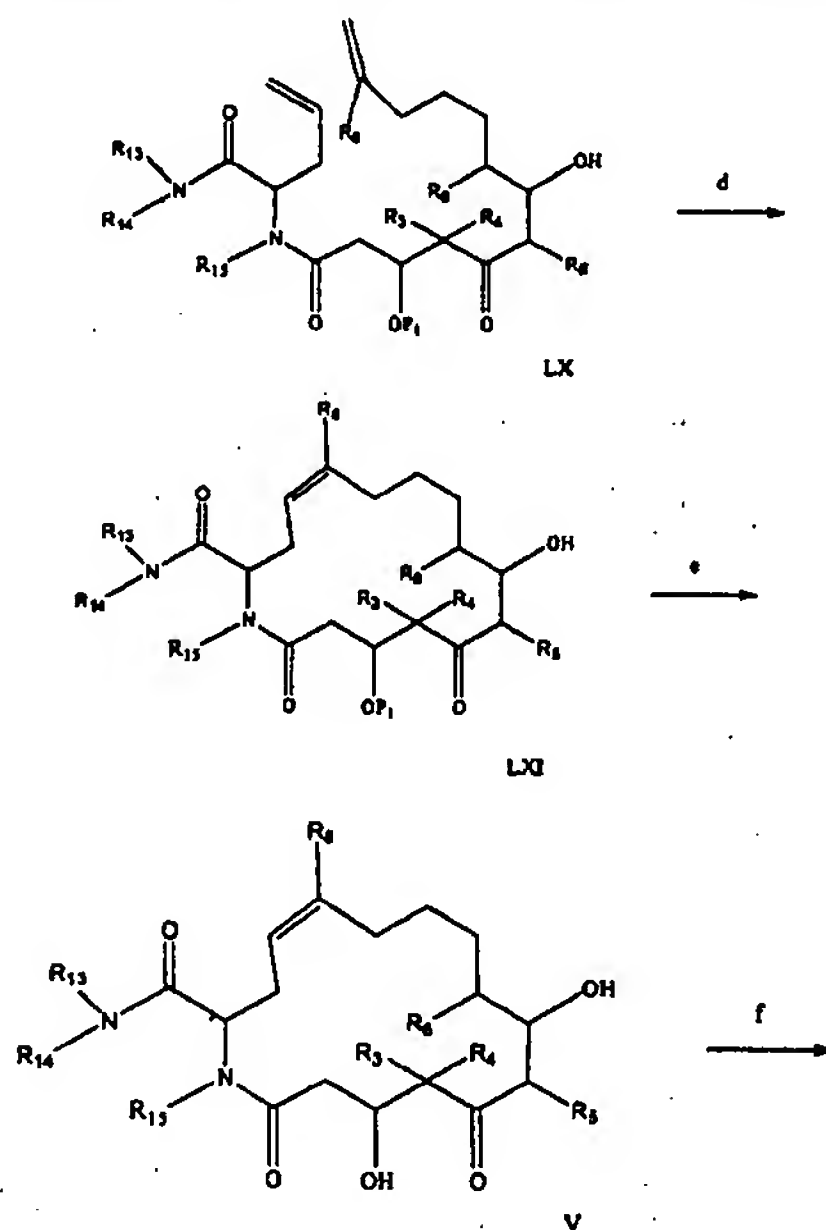
PATENT NO. : 6,605,599 B1  
DATED : August 12, 2003  
INVENTOR(S) : Gregory D. Vite et al.

Page 2 of 5

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

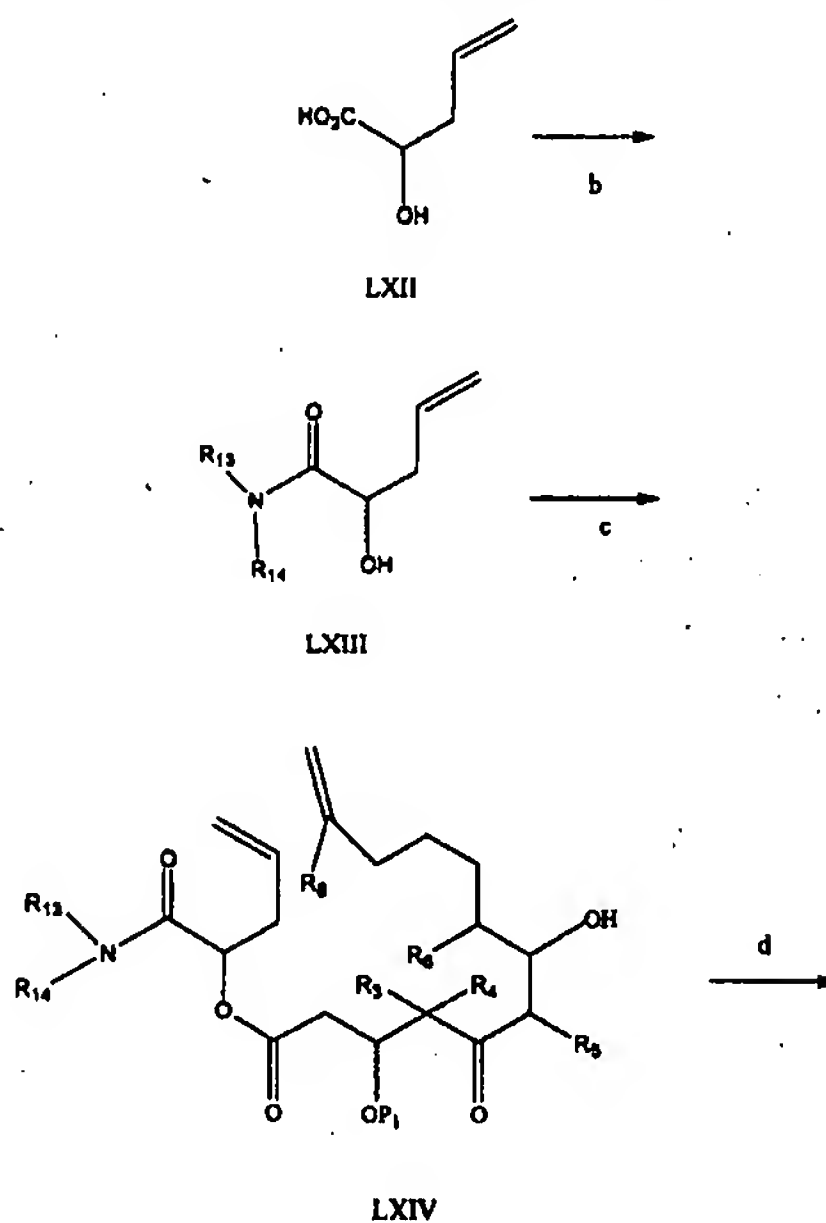
Column 19,

Lines 25-55, the formulae LX, LXI and V should appear:



Column 20,

Lines 25-45, the formulae LXII, LXIII and LXIV should appear:



UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

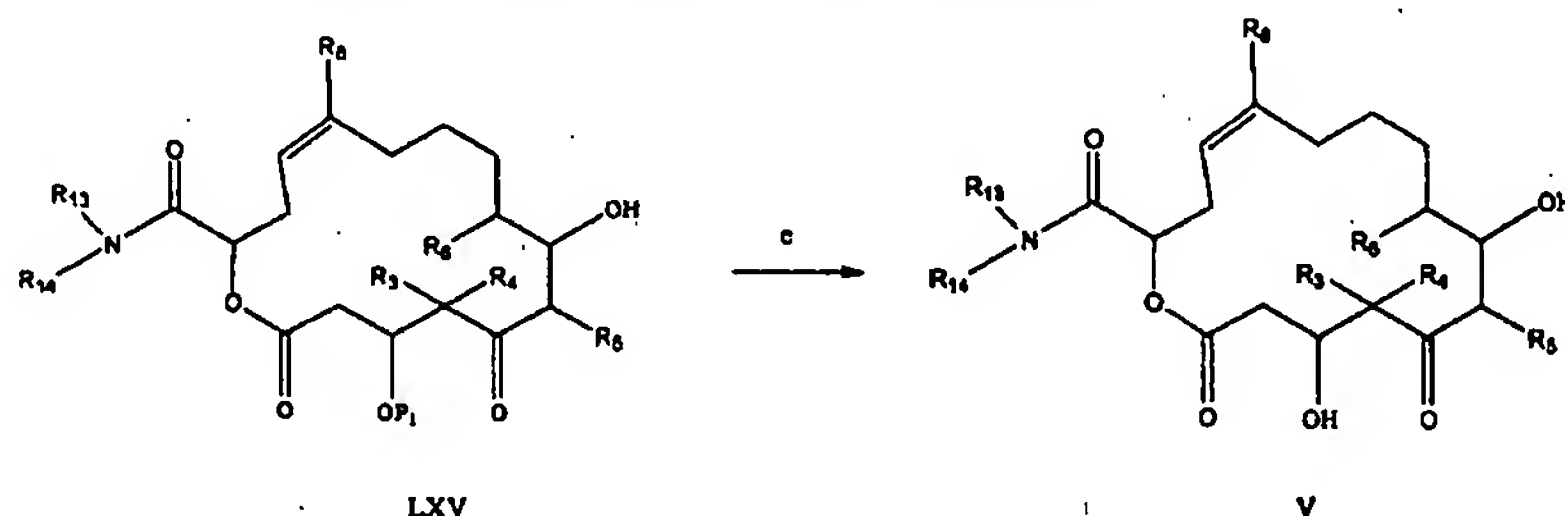
PATENT NO. : 6,605,599 B1  
DATED : August 12, 2003  
INVENTOR(S) : Gregory D. Vite et al.

Page 3 of 5

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

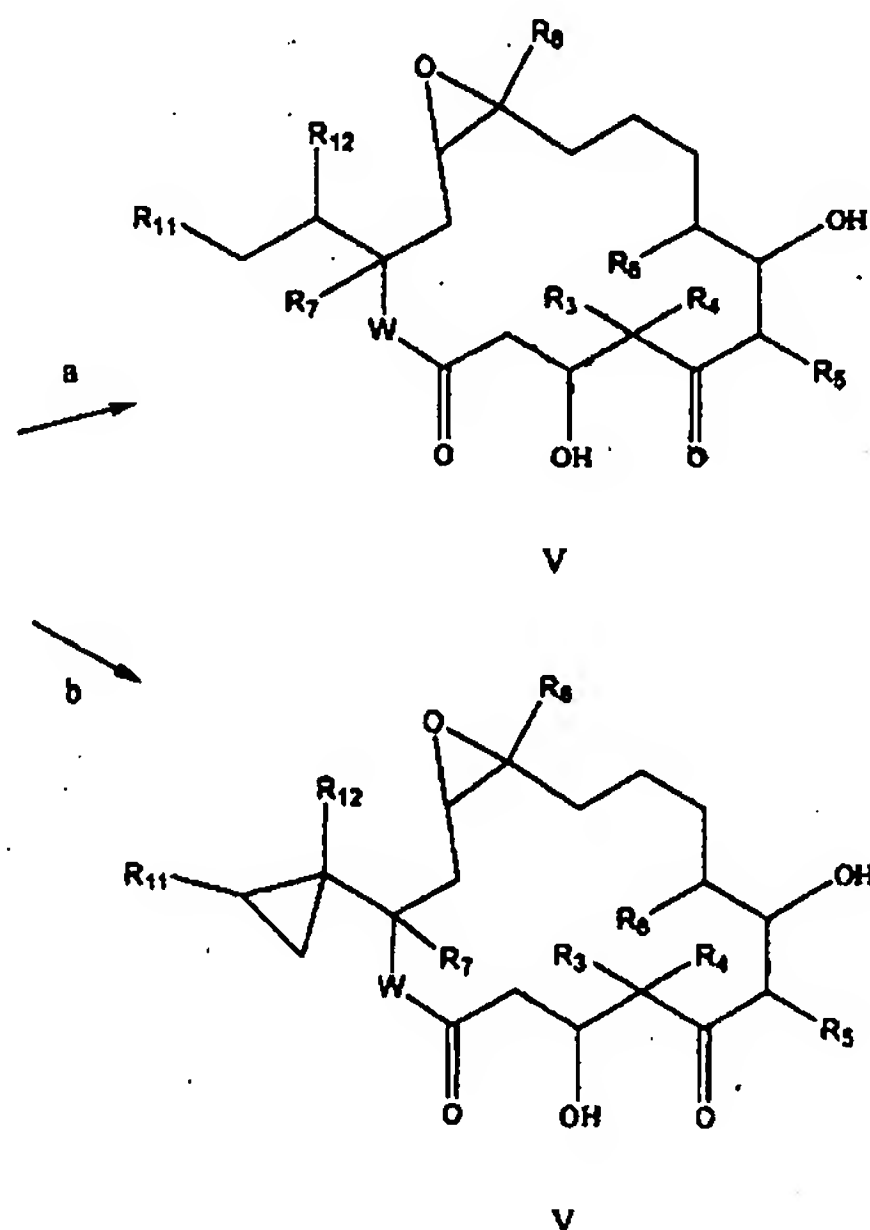
Column 20 (cont'd).

Line 45-65, formulae LXV and V should appear:



Column 22,

Lines 20-45, the following formulae should be canceled from Scheme 14 and inserted instead at col. 21, line 44, under the heading "Scheme 13" and following the compound of formula V:



Column 21,

Lines 54-55, the text “Scheme 4” should appear -- Scheme 13 --.

Column 25,

Line 52, the text "LXIX" should appear -- LXXIX --.

Column 26,

Line 57, "Y is H,H" should appear -- X is H,H --.

Line 59, the text "LXIX" should appear -- LXXIX --.

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,605,599 B1  
DATED : August 12, 2003  
INVENTOR(S) : Gregory D. Vite et al.

Page 4 of 5

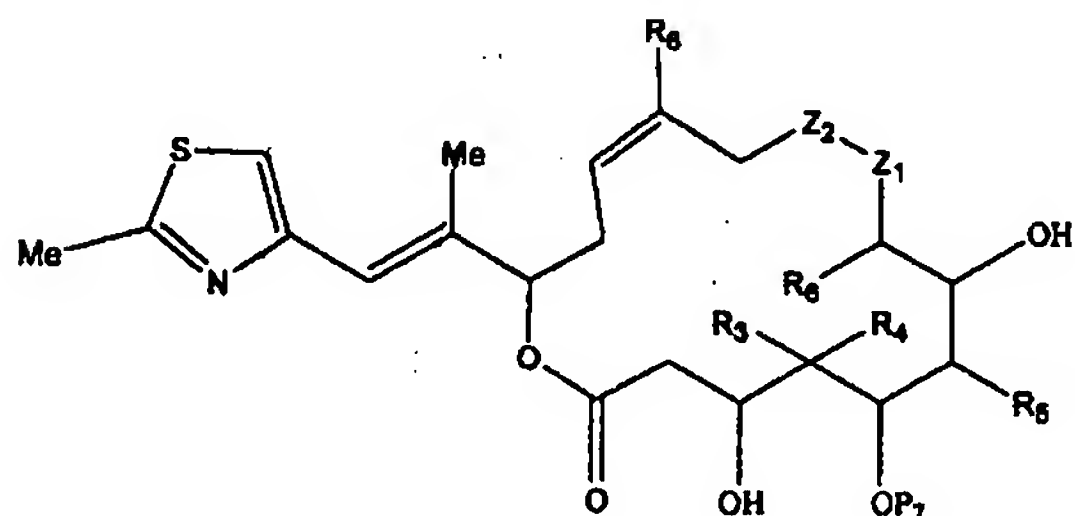
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 27,

Line 6, "Y is H,H" should appear -- X is H,H --.

Line 7, Insert the text -- Scheme 19 --.

Lines 55-67, the formula "LXXXXVIII" should appear:



LXXXXVIII

Column 28,

Line 57, "W and Y" should appear -- W, X and Y --.

Line 61, "LXXXV" should appear -- LXXXXV --.

Line 63, "LXXXVI" should appear -- LXXXXVI --.

Line 64, "LXXXV" should appear -- LXXXXV --.

Line 66, "LXXXVII" should appear -- LXXXXVII --.

Line 67, "LXXXVI" should appear -- LXXXXVI --.

Column 29,

Line 22, "W and Y" should appear -- W, X and Y --.

Column 31,

Line 48, "formula V" should appear -- formula CV --.

Column 37,

Line 4, the text "compound M" should appear -- compound N --.

Column 47,

Line 30, the reference number "V" should appear at line 40, centered under the generic formula.

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,605,599 B1  
DATED : August 12, 2003  
INVENTOR(S) : Gregory D. Vite et al.

Page 5 of 5

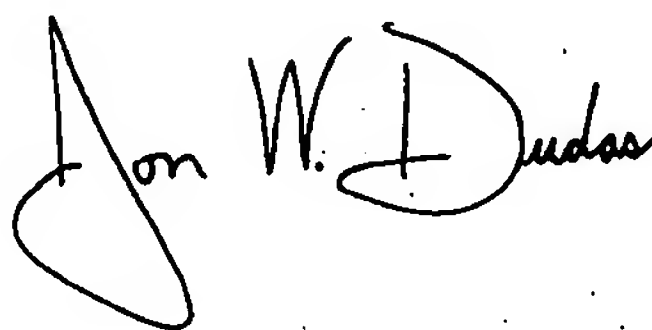
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 56,

Line 40 the reference number "V" should appear at line 40, centered under the generic formula.

Signed and Sealed this

Twenty-ninth Day of March, 2005

A handwritten signature in black ink, reading "Jon W. Dudas". The signature is stylized, with a large, looped initial "J" and a distinct "D" at the end.

JON W. DUDAS  
*Director of the United States Patent and Trademark Office*

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO : 6,605,599 *B*  
DATED: : August 12, 2003  
INVENTOR(S) : Gregory D. Vite, Soong-Hoon Kim, Robert M. Borzilleri, James A. Johnson

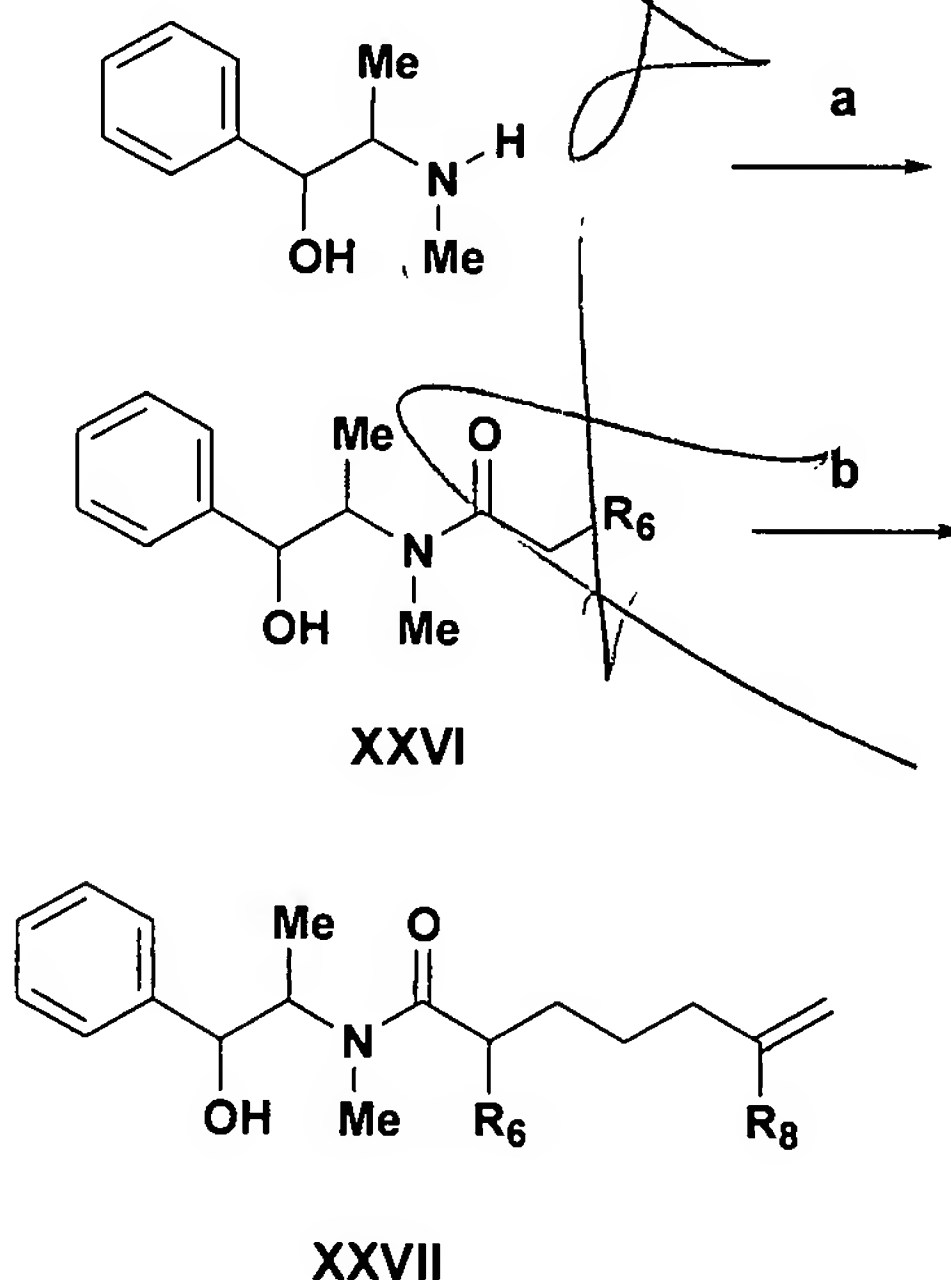
It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1, line 6, the text "which claims" should appear —and claims—.

Col. 1, line 42, the reference numeral "V" should appear in the center of the column following the chemical formula at col. 1, lines 42-50.

Col. 6, line 59, insert the text: —Q is —.

Col. 10, lines 1-20, the formulae designated pseudoephedrine, XXVI and XXVII should appear as follows:



MAILING ADDRESS OF SENDER:  
Anastasia P. Winslow  
Bristol-Myers Squibb Company, Patent Dept.  
P.O. Box 4000, Princeton, NJ 08543-4000  
609 (252)-6996

PATENT NO. 6,605,599

Page 1 of 5

Form PTO/SB/44

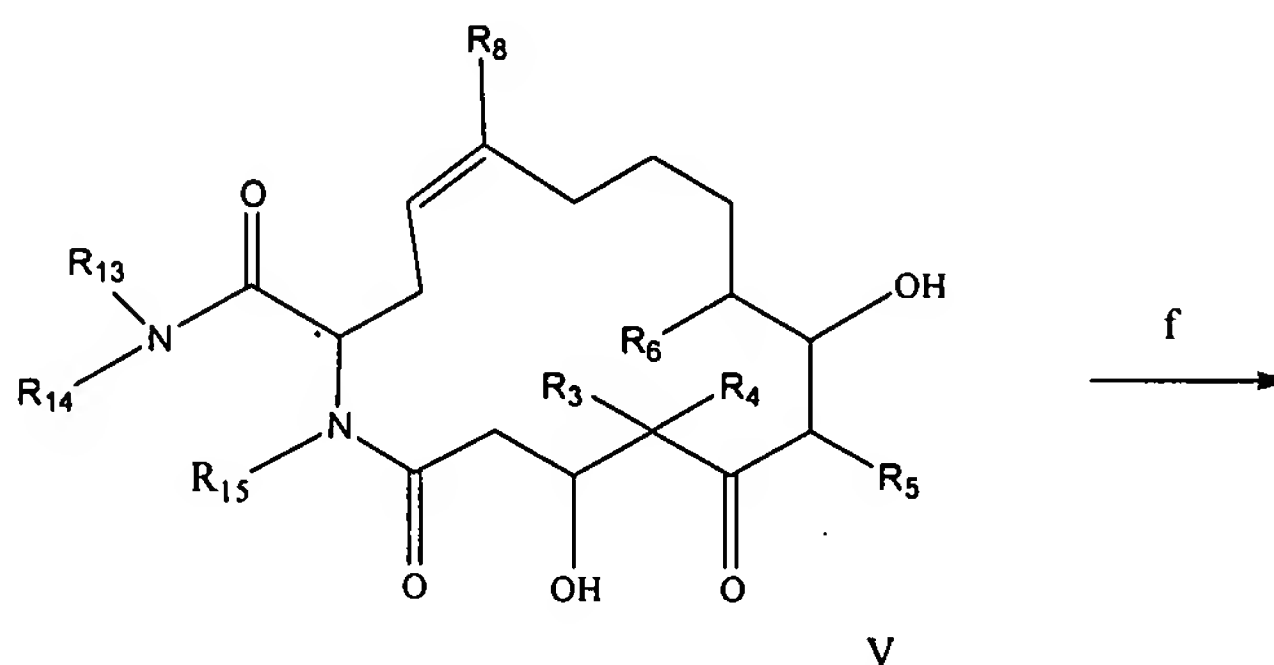
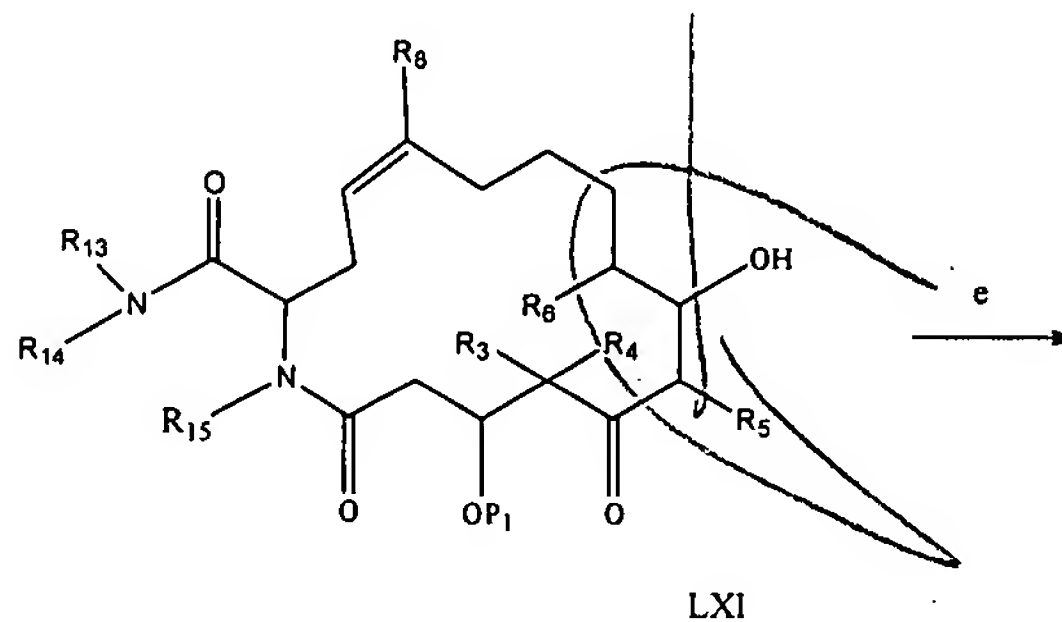
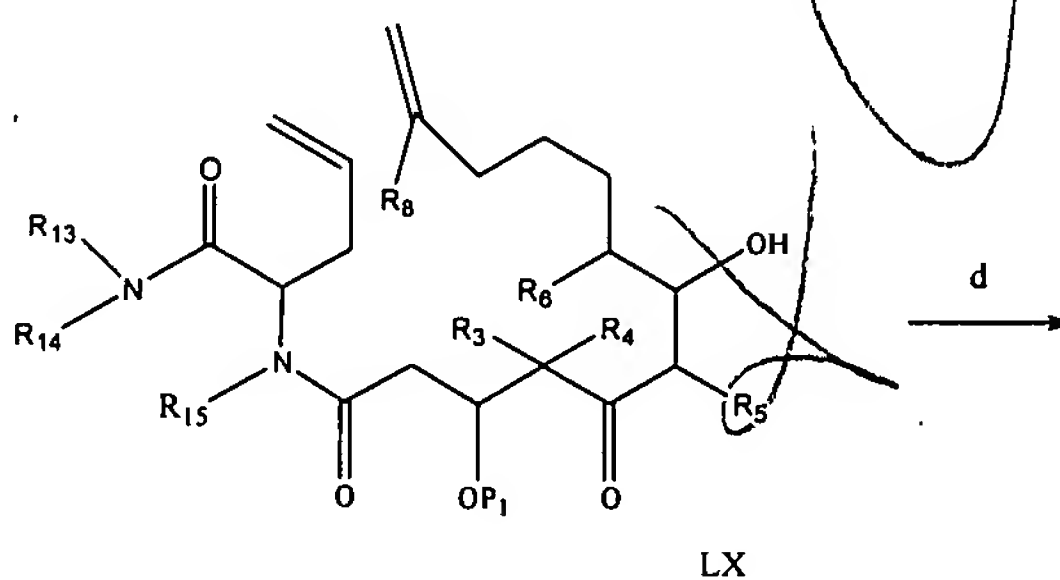
14 FEB 2005



UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

(Continued)

- Col. 11, line 44, the text "XXI" should appear — XXXI —.  
 Col. 11, line 51, the text "XXII" should appear — XXXII —.  
 Col. 11, line 55, the text "XXIII" should appear — XXXIII —.  
 Col. 12, line 64, the text "XXXVI" should appear — XXXVII —.  
 Col. 13, line 1, the text "XXXVIII" should appear — XXXVII —.  
 Col. 13, line 15, the text "XXX" should appear — XXXX —.  
 Col. 19, lines 25-55, the formulae LX, LXI and V should appear:



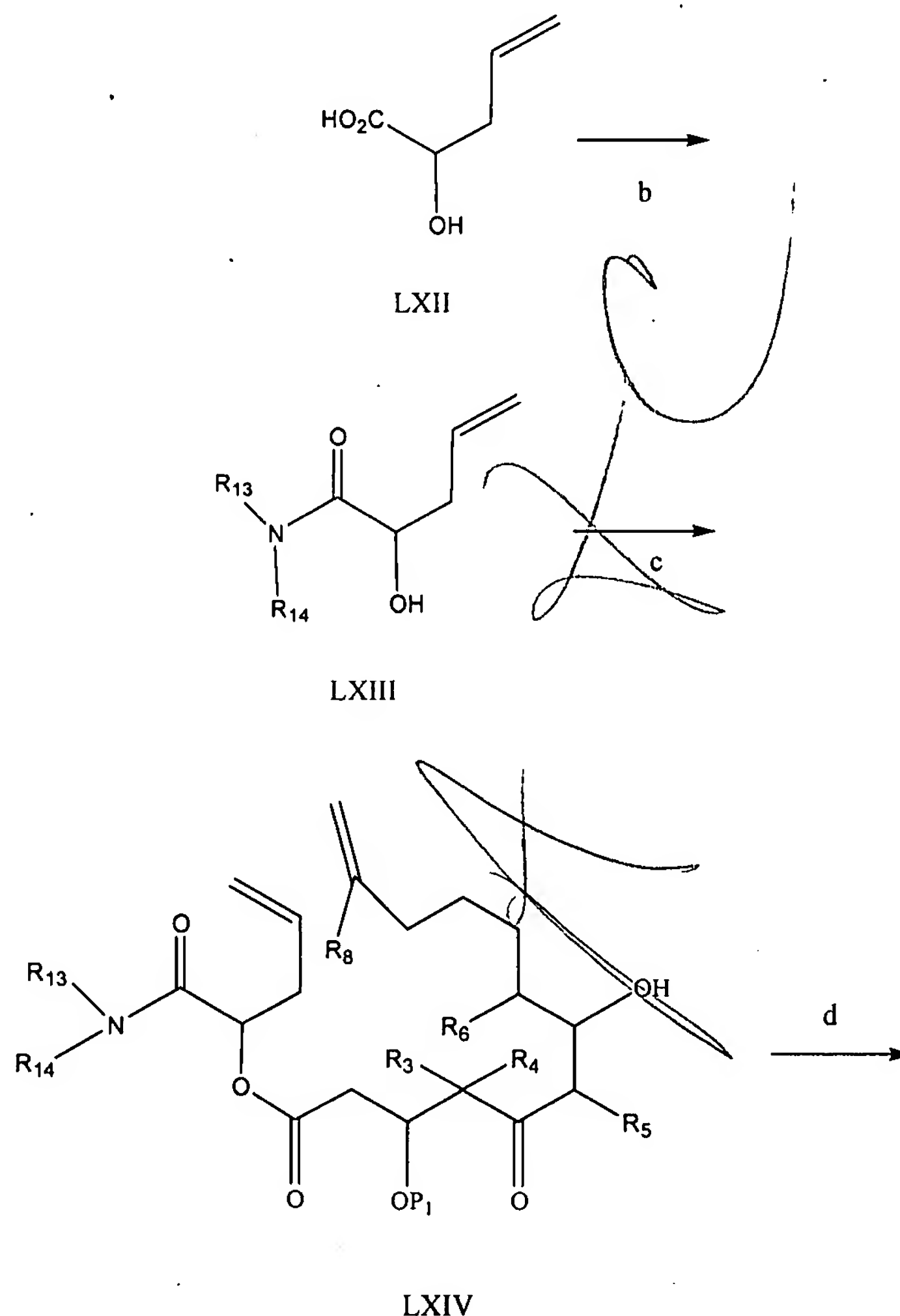
MAILING ADDRESS OF SENDER:  
 Anastasia P. Winslow  
 Bristol-Myers Squibb Company, Patent Dept.  
 P.O. Box 4000, Princeton, NJ 08543-4000  
 609 (252)-6996

PATENT NO. 6,605,599

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

(Continued)

Col. 20, lines 25-45, the formulae LXII, LXIII and LXIV should appear:



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 Bristol-Myers Squibb Company, Patent Dept.  
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 609 (252)-6996

PATENT NO. 6,605,599

Page 3 of 5

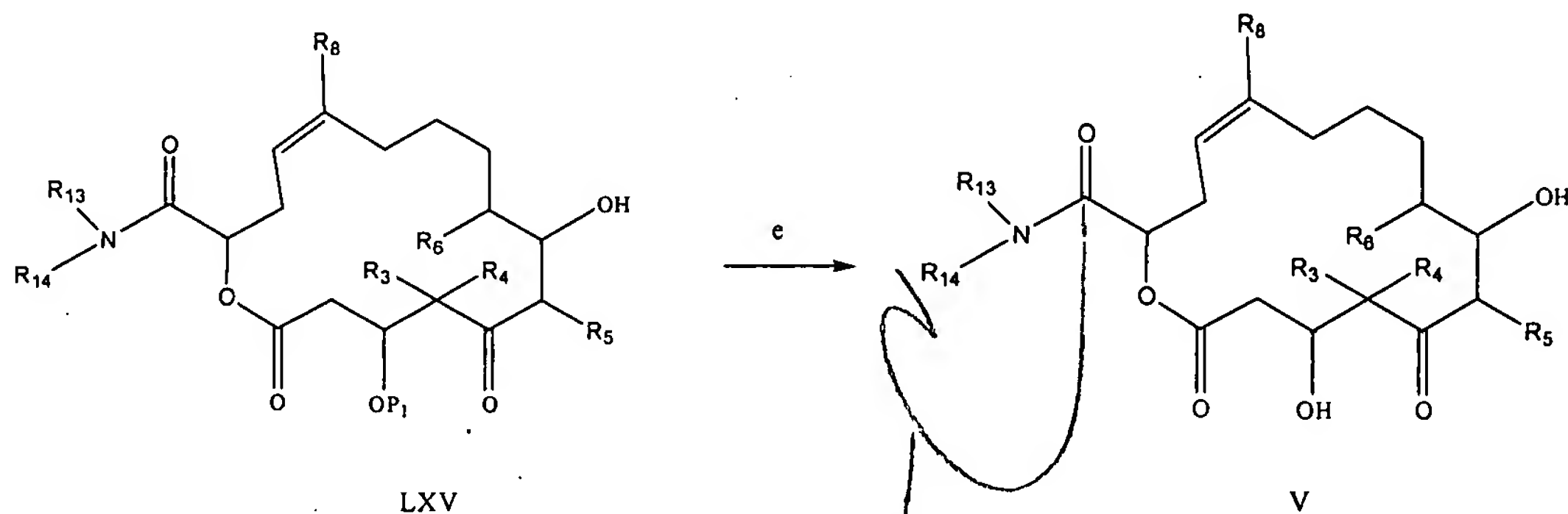
Form PTO/SB/44

24 FEB 2005

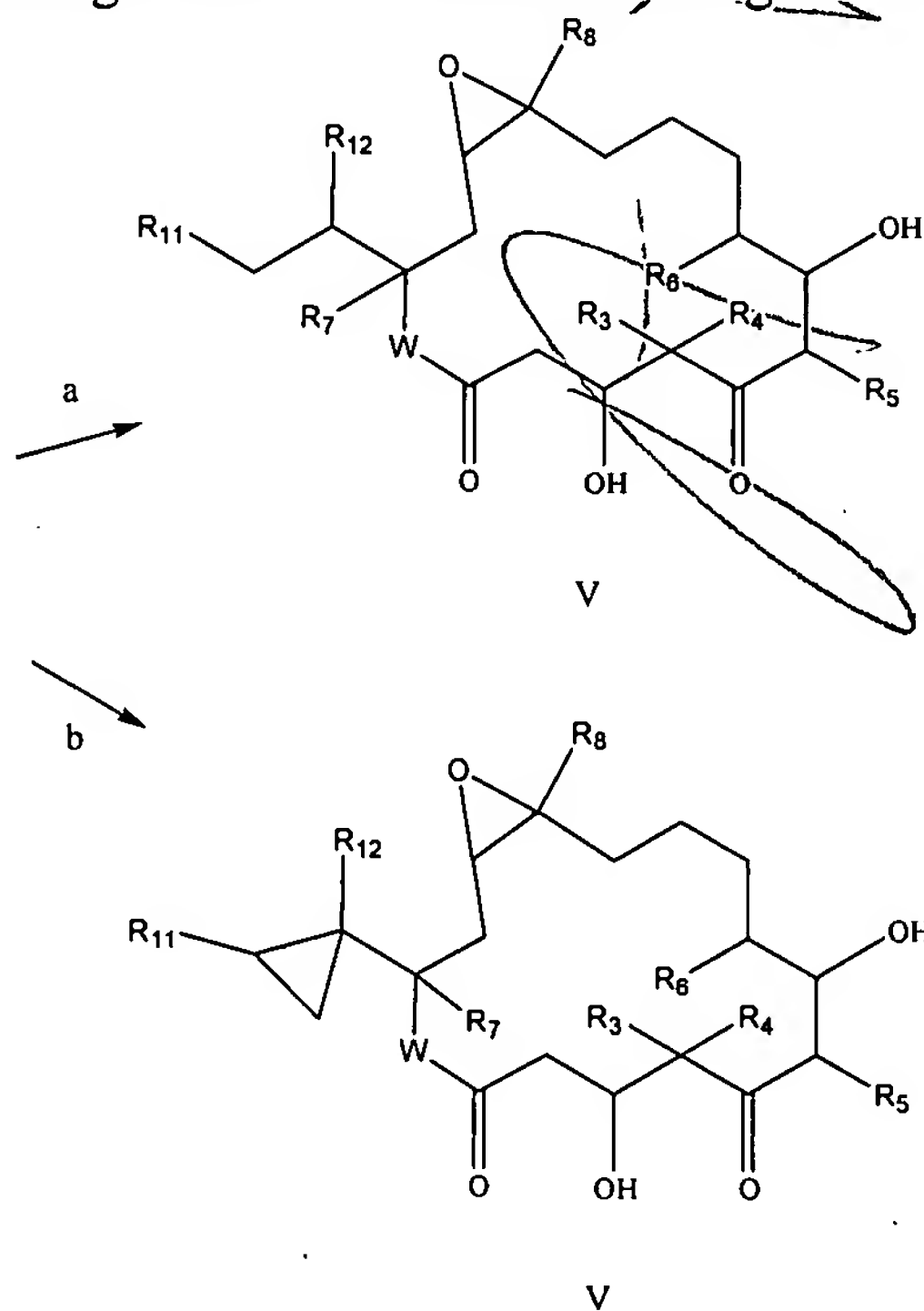
UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

(Continued)

Col. 20, line 45-65, formulae LXV and V should appear:



Col. 22, lines 20-45, the following formulae should be canceled from Scheme 14 and inserted instead at col. 21, line 44, under the heading "Scheme 13" and following the compound of formula V:



MAILING ADDRESS OF SENDER:  
 Anastasia P. Winslow  
 Bristol-Myers Squibb Company, Patent Dept.  
 P.O. Box 4000, Princeton, NJ 08543-4000  
 609 (252)-6996

PATENT NO. 6,605,599

Page 4 of 5

Form PTO/SB/44

14 FEB 2005

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

(Continued)

Col. 21, lines 54-55, the text "Scheme 4" should appear — Scheme 13 —.

Col. 25, line 52, the text "LXIX" should appear — LXXIX —.

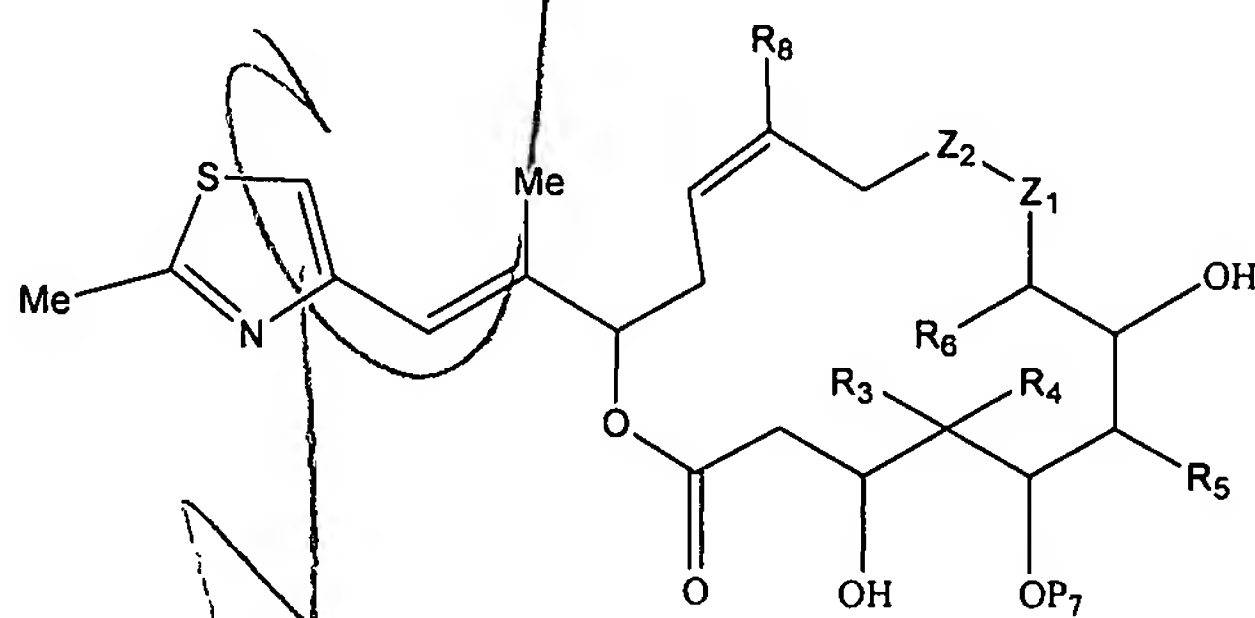
Col. 26, line 57, "Y is H,H" should appear — X is H,H —.

Col. 26, line 59, the text "LXIX" should appear — LXXIX —..

Col. 27, line 6, "Y is H,H" should appear — X is H,H —.

Col. 27, line 7, insert the text — Scheme 19 —.

Col. 27, lines 55-67, the formula LXXXXVIII should appear:



LXXXXVIII

Col. 28, line 57, "W and Y" should appear — W, X and Y —.

Col. 28, line 61, "LXXXV" should appear — LXXXXV —.

Col. 28, line 63, "LXXXVI" should appear — LXXXXVI —.

Col. 28, line 64, "LXXXV" should appear — LXXXXV —.

Col. 28, line 66, "LXXXVII" should appear — LXXXXVII —.

Col. 28, line 67, "LXXXVI" should appear — LXXXXVI —.

Col. 29, line 22, "W and Y" should appear — W, X and Y —.

Col. 31, line 48, "formula V" should appear — formula CV —.

Col. 37, line 4, the text "compound M" should appear — compound N —.

Col. 47, line 30 (claim 1), the reference number "V" should appear at line 40, centered under the generic formula.

Col. 56, line 40 (claim 62), the reference number "V" should appear at line 40, centered under the generic formula.

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PATENT NO : 6,605,599  
DATED: : August 12, 2003  
INVENTOR(S) : Gregory D. Vite, Soong-Hoon Kim, Robert M. Borzilleri, James A. Johnson

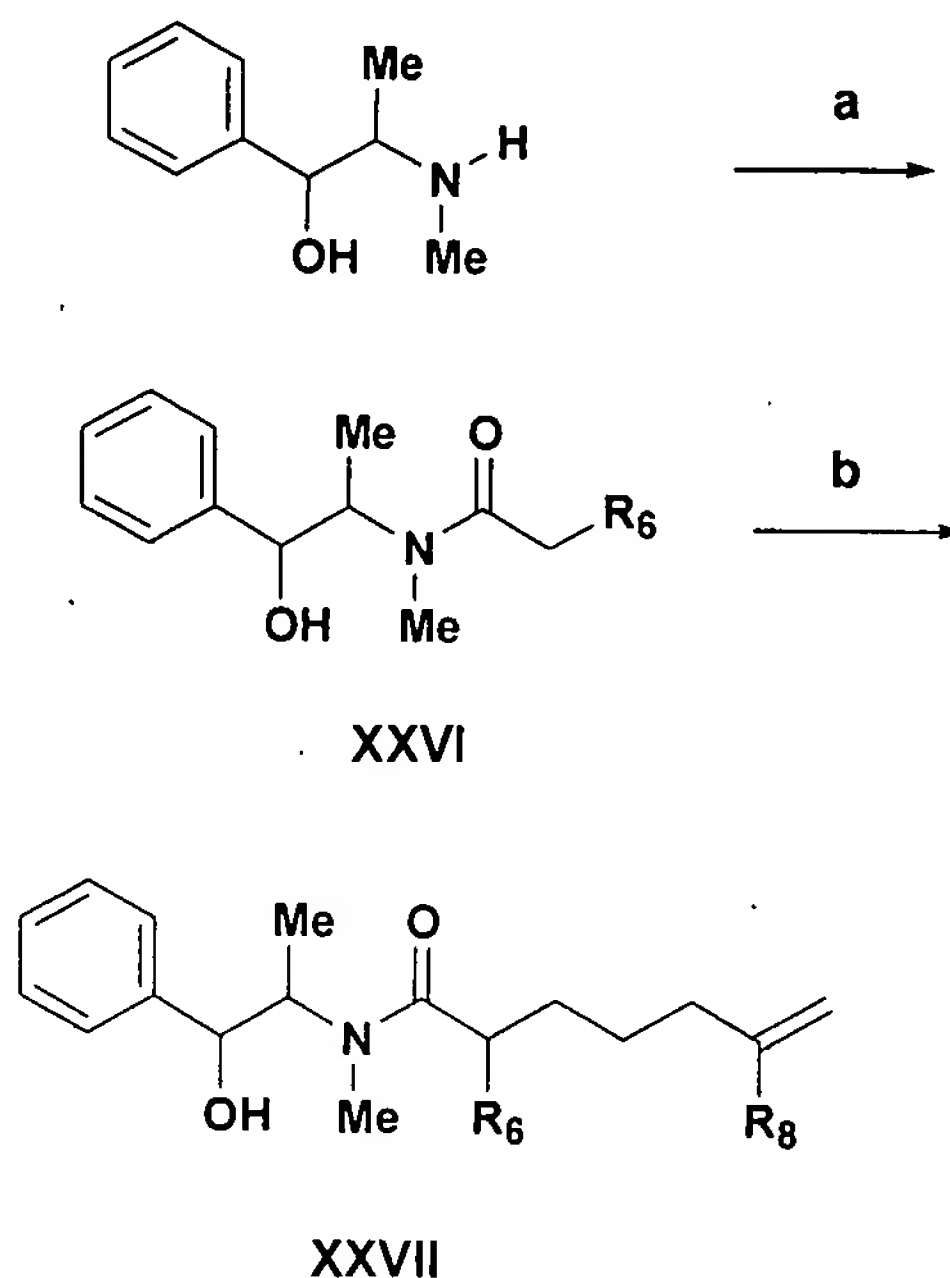
It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1, line 6, the text "which claims" should appear —and claims—.

Col. 1, line 42, the reference numeral "V" should appear in the center of the column following the chemical formula at col. 1, lines 42-50.

Col. 6, line 59, insert the text: —Q is —.

Col. 10, lines 1-20, the formulae designated pseudoephedrine, XXVI and XXVII should appear as follows:



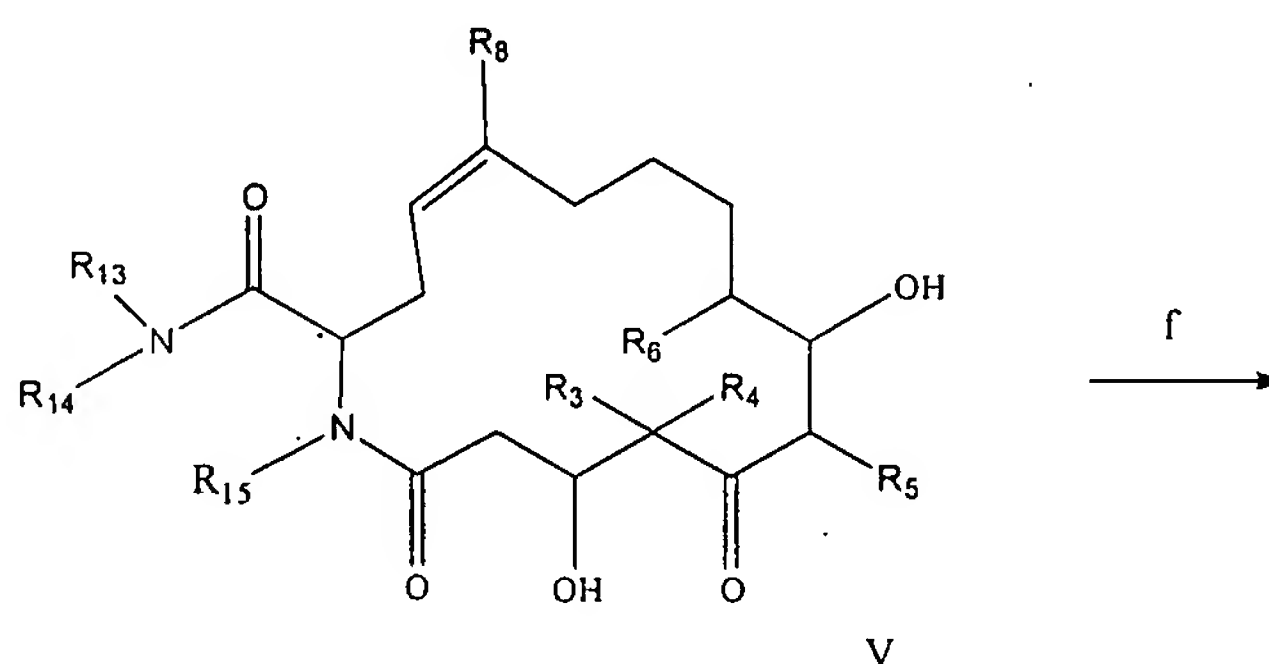
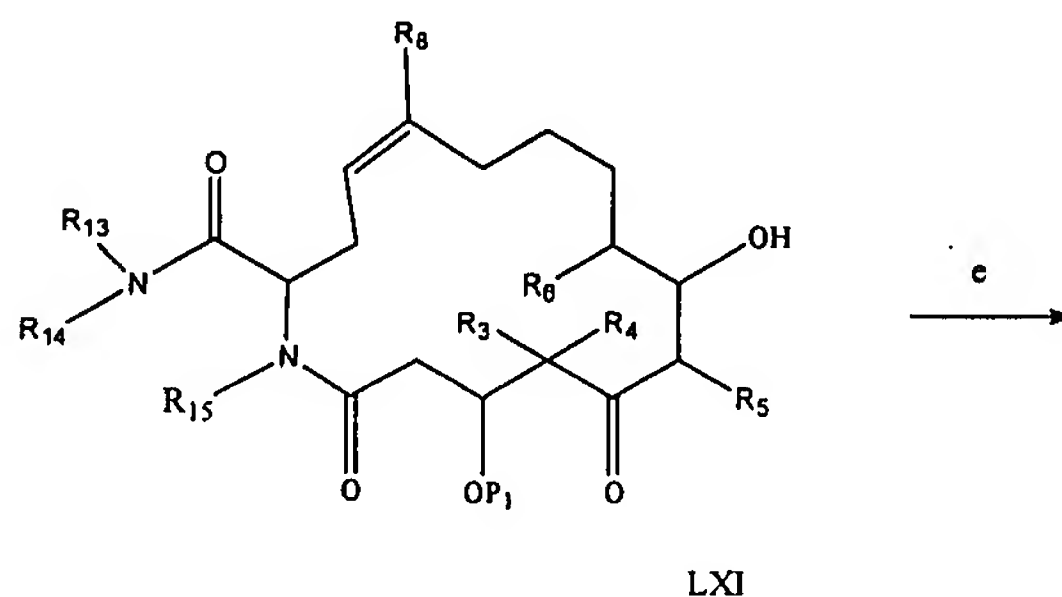
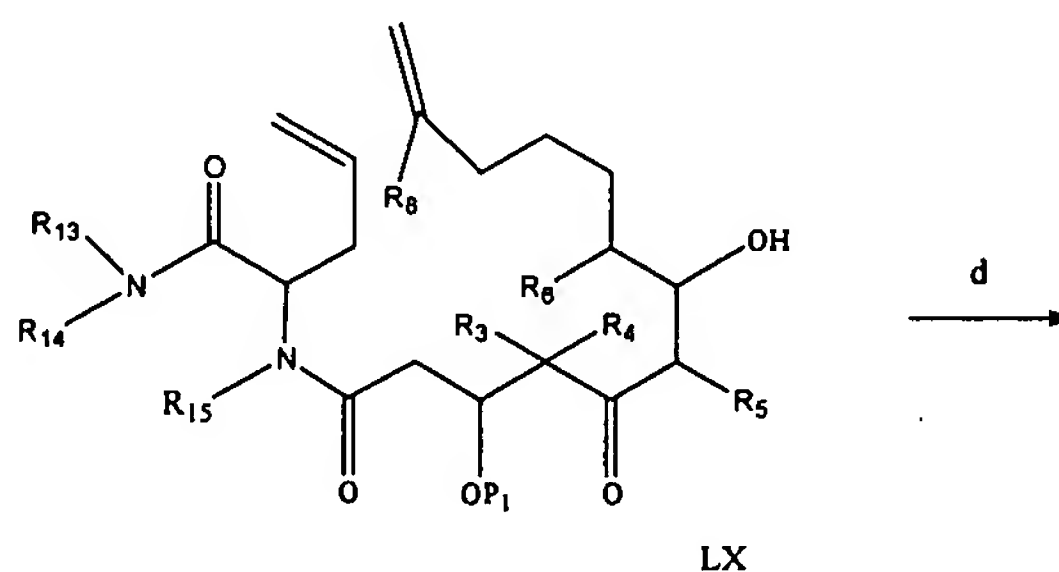
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**CERTIFICATE OF CORRECTION**

(Continued)

Col. 11, line 44, the text "XXI" should appear — XXXI —.  
 Col. 11, line 51, the text "XXII" should appear — XXXII —.  
 Col. 11, line 55, the text "XXIII" should appear — XXXIII —.  
 Col. 12, line 64, the text "XXXVI" should appear — XXXVII —.  
 Col. 13, line 1, the text "XXXVIII" should appear — XXXVII —.  
 Col. 13, line 15, the text "XXX" should appear —XXXX—.  
 Col. 19, lines 25-55, the formulae LX, LXI and V should appear:



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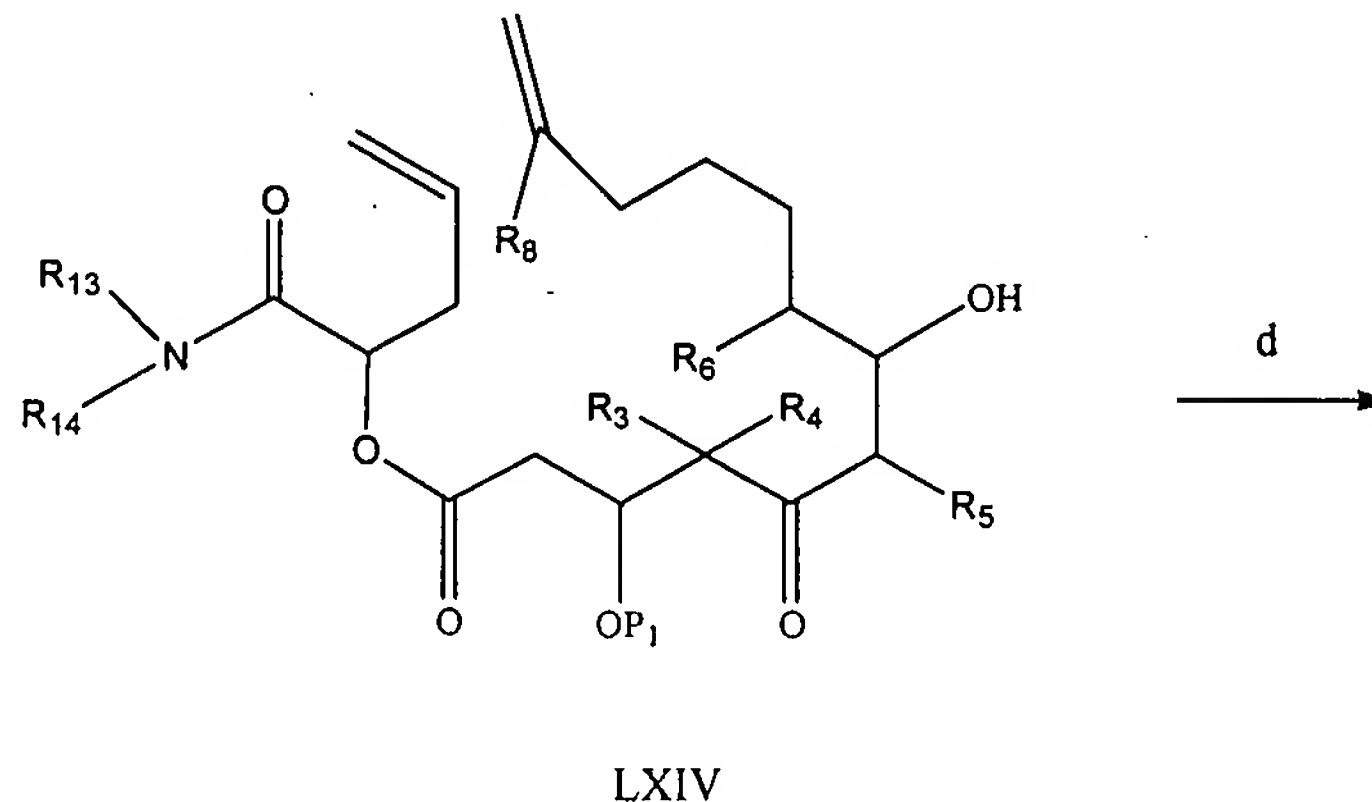
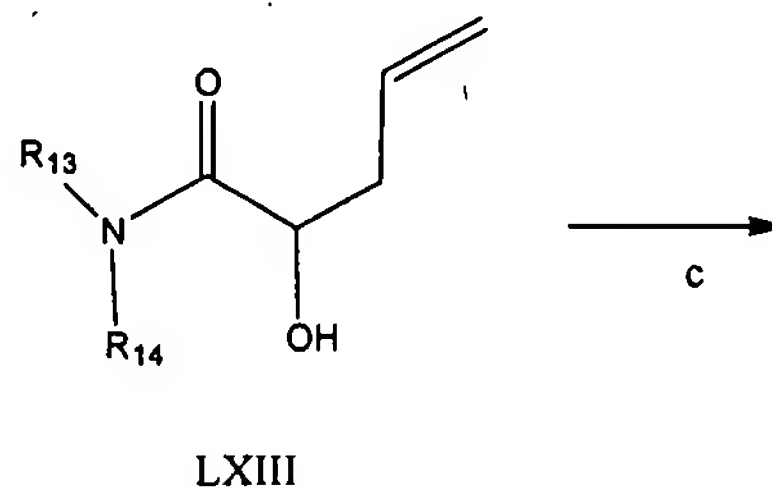
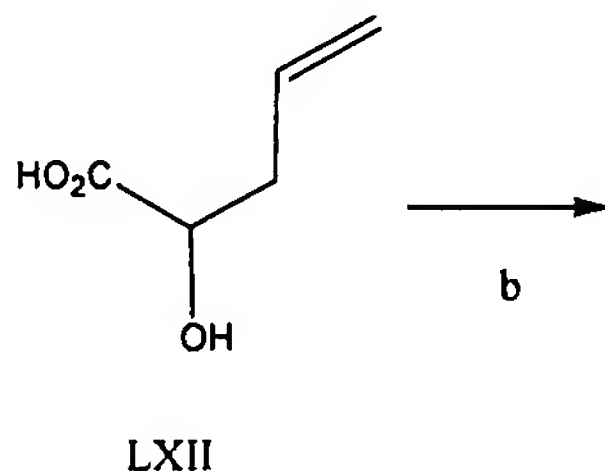
PATENT NO. 6,605,599



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**CERTIFICATE OF CORRECTION**

(Continued)

Col. 20, lines 25-45, the formulae LXII, LXIII and LXIV should appear:



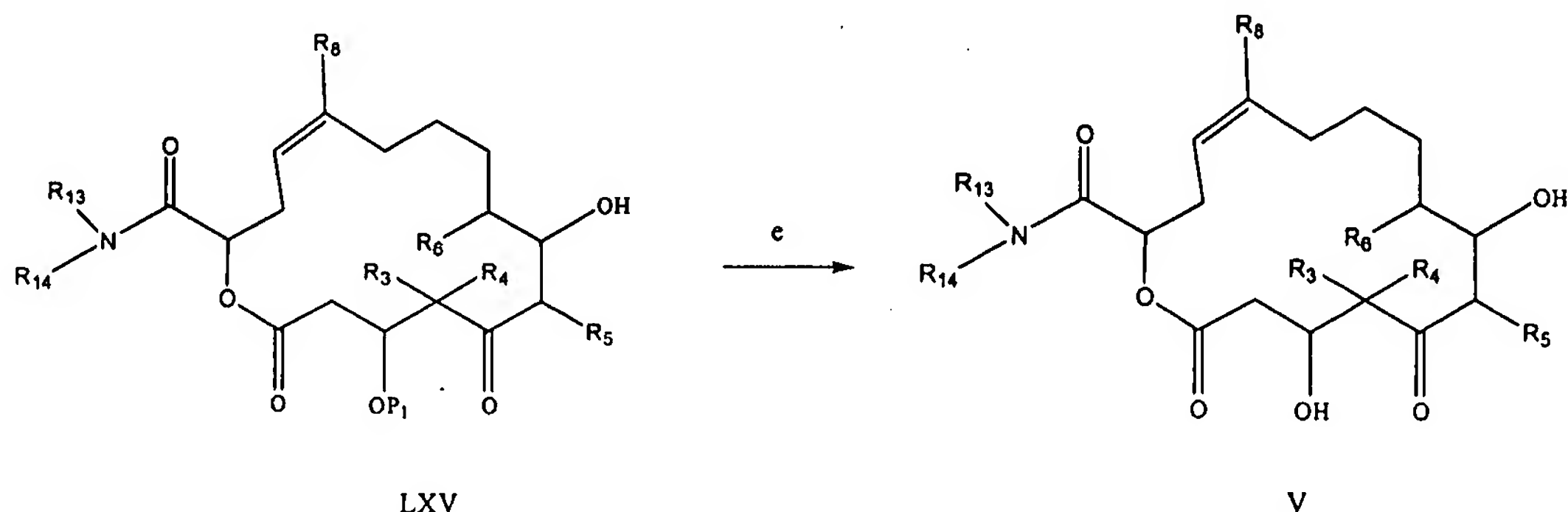
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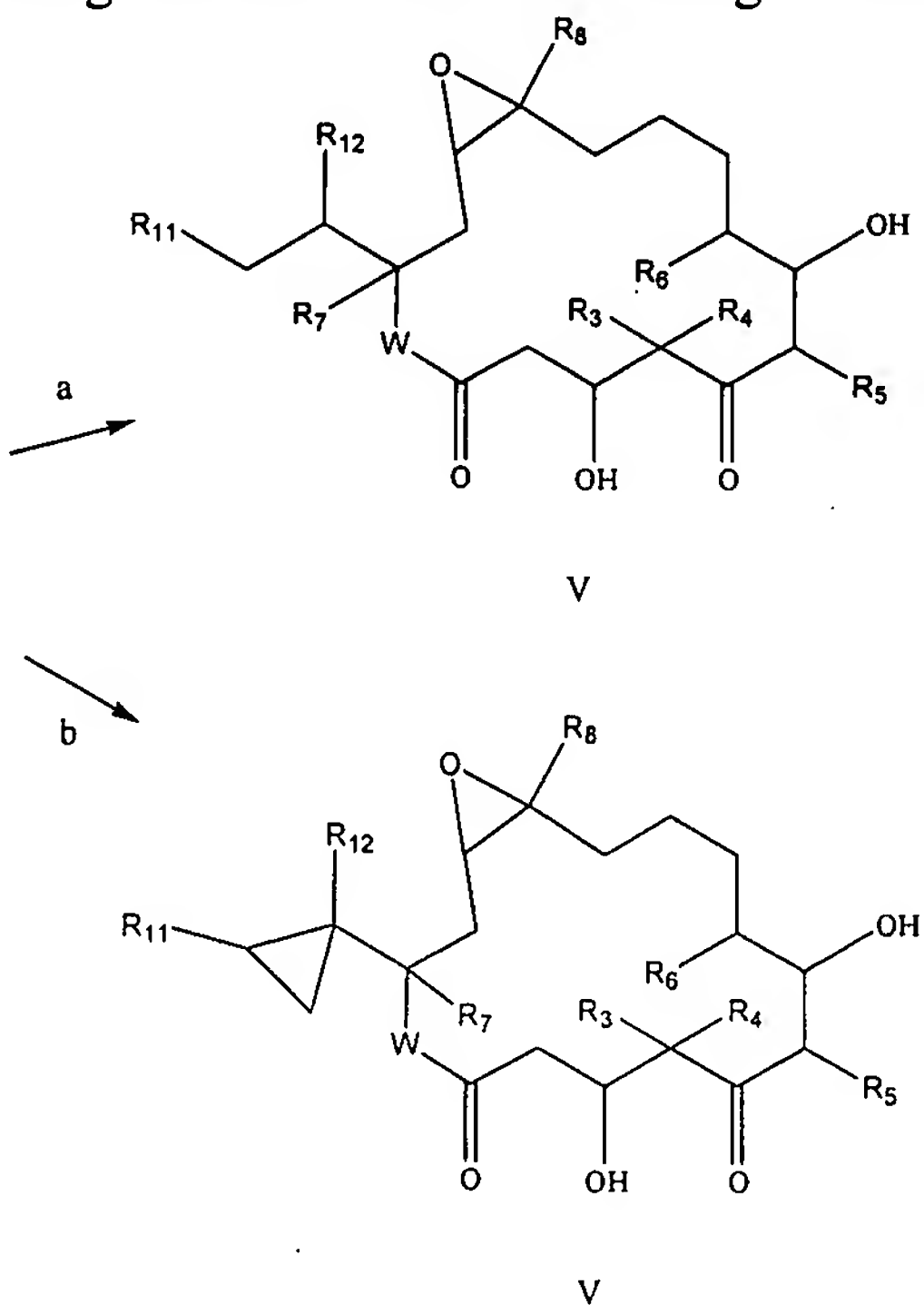
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(Continued)

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**CERTIFICATE OF CORRECTION**

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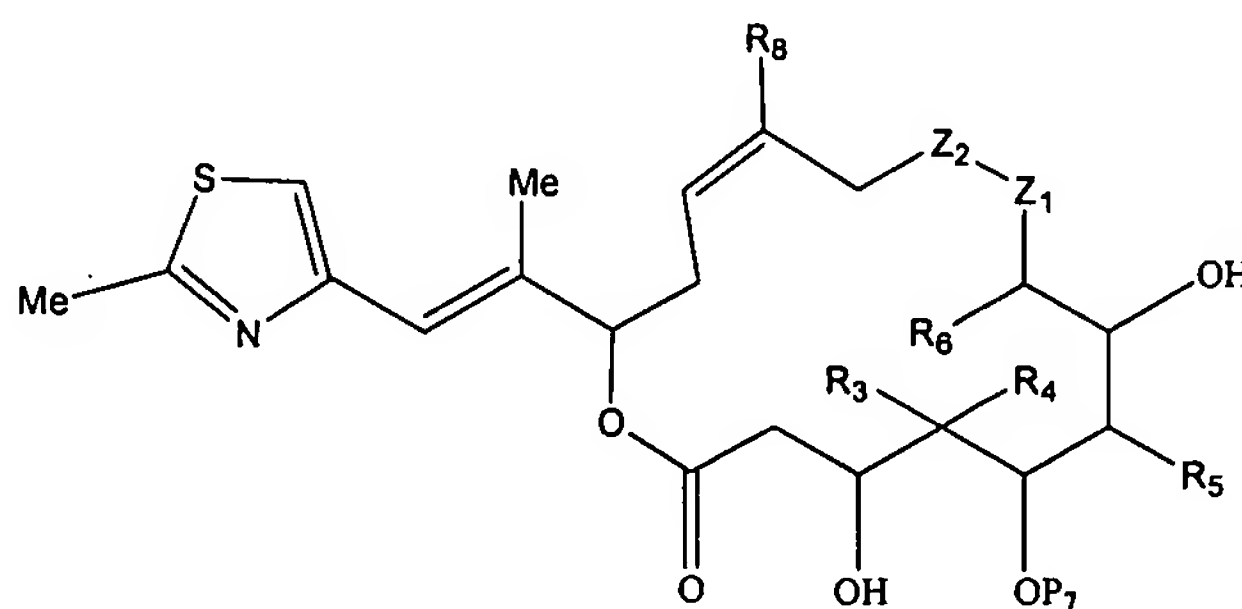
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